

Harry Paul, and
William Workman.
The following-named second lieutenants to be first lieutenants
in the Marine Corps:
Frank R. Armstead, and
Lee H. Brown.
First Lieut. Ethelbert Talbot to be a captain in the Marine
Corps.
Francis B. Reed to be a second lieutenant in the Marine Corps.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 4, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, source of all good, help us to concentrate our wisdom, power, and influence, with our allies, with whom we are associated, against the powers of evil; that we may overcome their machinations and inhuman desires; and bring order out of chaos, peace out of war, righteousness out of evil, and establish liberty, truth, justice, righteousness in the heart of mankind; that Thy Kingdom may come in all its fullness, in the spirit of the Lord Jesus Christ. Amen.

The Journals of the proceedings of Saturday, March 2, and Sunday, March 3, 1918, were read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous-Consent Calendar day. The Clerk will report the first bill on that calendar.

RESERVE OF THE PUBLIC-HEALTH SERVICE.

The first business on the Calendar for Unanimous Consent was S. J. Res. 63, to establish a reserve of the Public-Health Service.

The Clerk read the title of the joint resolution.

Mr. COADY. Mr. Speaker, I ask unanimous consent that that joint resolution be passed over without prejudice.

Mr. FOSTER. Mr. Speaker, reserving the right to object, I think that where bills have been passed over twice already they ought to go to the foot of the calendar. They ought not to be allowed to clog the calendar, and I suggest that if this joint resolution is passed over it be with that understanding—that it go to the foot of the calendar.

Mr. BORLAND. Why is it to be passed over? This is a very important measure, and it seems to me we might pass it.

Mr. COADY. It is a very important measure, but I understand there is objection to it on the part of some Members.

Mr. BORLAND. The need for this public-health reserve is critical right now.

Mr. COADY. I agree with the gentleman. I would have it considered now if I felt that there would be no objection to it.

The SPEAKER. Is there objection to the request of the gentleman from Maryland to pass this joint resolution over without prejudice?

Mr. FOSTER. If it goes to the foot of the calendar I have no objection.

The SPEAKER. Yes; but there is no rule to put it at the foot of the calendar.

Mr. FOSTER. I object.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. STAFFORD. I have no objection to the matter being passed over without prejudice.

The SPEAKER. But the trouble about that is that the gentleman from Illinois [Mr. FOSTER] does have objection to it.

Mr. FOSTER. I think it is hardly fair that a bill should be passed over day after day and retain its position at the head of the calendar.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield in that particular? If the Chair will indulge me just a moment, I think there is considerable merit in the position taken by the gentleman from Illinois [Mr. FOSTER]. I think that the Committee on Rules should bring in a rule providing for the consideration of bills on Unanimous-Consent Calendar day, so that the call of committees shall begin where it left off on the last preceding unanimous-consent day. Under the existing practice we rarely get to the bills that have been recently placed on the Calendar for Unanimous Consent.

The SPEAKER. All this is out of order. The gentleman from Wisconsin [Mr. STAFFORD] objected to the present consideration of this joint resolution, and it will be stricken from the calendar. The Clerk will report the next bill.

ADDITIONAL JUDGE, EASTERN DISTRICT OF MISSOURI.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 294) to provide for the appointment of an additional judge of the district court of the United States for the eastern district of Missouri.

The Clerk read the title of the bill.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice and placed at the foot of the calendar.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that this bill be passed over and put at the foot of the calendar.

Mr. STAFFORD. I object to the consideration of the bill, and also to the request of the gentleman from North Carolina.

The SPEAKER. The gentleman from Wisconsin objects to the whole thing. The bill will be stricken from the calendar.

VOCATIONAL EDUCATION.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 110, to amend an act entitled "An act to provide for the promotion of vocational education," approved February 23, 1917.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object—

Mr. CLARK of Florida. I ask unanimous consent that this joint resolution may be passed over informally.

Mr. STAFFORD. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

The SPEAKER. The gentleman from Florida [Mr. CLARK] asks unanimous consent that joint resolution be passed over without prejudice.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, will the gentleman from Florida allow me?

Mr. CLARK of Florida. Yes.

Mr. STAFFORD. The matter covered by this joint resolution was taken care of in the deficiency appropriation bill that recently passed the House, and there can be no need of it in case the item is agreed to in the Senate as it passed the House. I have no objection, however, to letting this matter go over until it is known whether the Senate agrees to the provision as incorporated in the deficiency appropriation bill.

Mr. CLARK of Florida. Very well.

The SPEAKER. The gentleman from Florida [Mr. CLARK] asks unanimous consent that this joint resolution be passed over without prejudice. Is there objection?

Mr. FOSTER. To take its place at the foot of the line, Mr. Speaker.

Mr. CLARK of Florida. That is all right, Mr. Speaker. We understand each other.

The SPEAKER. To be placed at the foot of the calendar. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, if the gentleman from Florida will allow me, I think there ought not to be any blanket authority granted to any officer of the Government to go where he pleases and when he pleases to put up buildings.

Mr. CLARK of Florida. We are not talking about buildings. This is the educational matter.

Mr. MADDEN. I thought it was the building bill. This is all right.

The SPEAKER. Is there objection to passing this joint resolution over and putting it at the foot of the calendar?

Mr. SHERLEY. Mr. Speaker, I object.

Mr. CLARK of Florida. Mr. Speaker, I want to state my reason. It will take only a moment to do it.

My colleague [Mr. SEARS] is interested in the joint resolution and made the report. He is before a very important meeting of the Committee on Agriculture. I want it passed until he can be here on the floor.

Mr. SHERLEY. I have no objection to that.

The SPEAKER. The gentleman from Florida asks unanimous consent that this joint resolution be passed over temporarily, so that it may be called up again to-day. Is there objection?

There was no objection.

POST OFFICES AT GLENDALE AND ALHAMBRA, CAL.

The next business on the calendar for unanimous consent was the bill (H. R. 7230) to amend the postal laws.

Mr. RANDALL. Mr. Speaker, this is a bill to reestablish two post offices in California.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I feel inclined from the information I now have in my possession to

object, although I am willing to withhold it for further information if the gentleman from California can give it to us.

REESTABLISHMENT OF SECOND-CLASS POST OFFICES.

Mr. RANDALL. Mr. Speaker, this is not a bill to establish new post offices; it is to reestablish post offices which were formerly independent post offices but were discontinued against the will of the inhabitants of the cities in which they were situated. This is a bill simply to restore the status of second-class post offices in the cities of Glendale and Alhambra, Cal., discontinued several years ago and made substations of the city of Los Angeles. If gentlemen desire further information before consideration of the bill I can give it.

Mr. GARD. By whose order were the post offices discontinued and made substations?

Mr. RANDALL. By order of the Postmaster General; and they can not be reestablished as post offices of the second class except by enactment of Congress.

Mr. GARD. When were they discontinued?

Mr. RANDALL. About seven years ago.

Mr. GARD. And they have since operated as substations?

Mr. RANDALL. Yes. I will ask the Clerk to read the resolution of the city councils of the two cities and the chambers of commerce of Alhambra and Glendale.

The Clerk read as follows:

ALHAMBRA, CAL., February 15, 1918.

Hon. CHARLES H. RANDALL, Washington, D. C.

DEAR SIR: At a meeting of the Alhambra Chamber of Commerce held February 5, 1918, I was authorized to convey to you the wishes of the chamber concerning an independent post office for Alhambra and to assure you that the members of the chamber are back of you in the undertaking.

This is a city of 10,000 population, with a property valuation amounting to the sum of \$15,000,000. We have 66 miles of streets, of which 45 miles are paved and 50 miles are illuminated with an ornamental lighting system. We have spent over \$700,000 in streets and sidewalks alone.

The building which is being used for post office at present is really an insult to the intelligence of the people of this city, not only being too small and inadequate altogether, but the same is closed at 6.30 every evening and one is unable to obtain mail from the boxes after that time.

It might be well at this time for me to cite an instance which occurred about eight months ago, when an \$80,000,000 corporation opened its offices in this city and were unable to rent a post-office box adequate to their needs, with the result that they were compelled to take one of the small boxes at a monthly rental of 15 cents. This will give you an idea as to the character of advertising our city is getting from our post office.

I am inclosing herewith a few photographs and cuts which will show you the character of our post office as compared with our other buildings.

In order to advise you of the caliber of the residents of this city, I might take this opportunity to inform you that we oversubscribed our quota in each of the liberty loan campaigns, together with the Red Cross and Y. M. C. A. movements.

In conclusion, kindly be informed that it is the unanimous desire of this body, the Alhambra Chamber of Commerce, that the Government establish an independent post office in this city, although we know it will cause considerable increase in our expense, due to the additional postage that will be required between here and the city of Los Angeles.

ALHAMBRA CHAMBER OF COMMERCE,
M. B. GRAVES, Secretary.

RESOLUTION OF CITY COMMISSION OF ALHAMBRA, CAL.

Whereas Representative C. H. RANDALL has presented to the House of Representatives bill No. 7230, which is a bill to reestablish as a post office of the second class the substation of the post office at Los Angeles, Cal., known as Alhambra; and

Whereas the City Commission of the City of Alhambra believes that said change from a branch office to an independent office will prove a material benefit to the entire city: Now, therefore, be it

Resolved, That the city commission heartily approves the action of Representative C. H. RANDALL and earnestly urges the passage of this bill; and be it further

Resolved, That the city clerk of the city of Alhambra be, and he is hereby, instructed to forward a copy of this resolution to Representative C. H. RANDALL.

Ayes: Commissioners Hall, Bailey, Williams, and Stuart.

JAMES STUART,
President of the Commission of the City of Alhambra.

The foregoing resolution was duly adopted at a regular meeting of the commission of the city of Alhambra held on the 4th day of February, 1918.

ALBIN E. JOHNSON,
City Clerk of the City of Alhambra.

RESOLUTION OF CITY COUNCIL AND CHAMBER OF COMMERCE OF GLENDALE, CAL.

GLENDALE, CAL., February 17, 1918.

Hon. C. H. RANDALL,
Member of Congress, Washington, D. C.:

At a joint meeting of members of board trustees and chamber of commerce of Glendale, Cal., the following resolution was adopted:

"Whereas Glendale is city of 13,000 and has contiguous thereto 3,000 additional, and is entitled to an independent post office: Therefore

"Resolved, That we hereby affirm our former action and petition for an independent post office to serve needs of our city and population tributary thereto."

J. S. THOMPSON,
Chairman, Board of Trustees.
A. T. COWAN,
President, Chamber of Commerce.

Mr. RANDALL. Mr. Speaker, these cities are not suburbs of Los Angeles. They are independent cities; in one case 7 miles from the Los Angeles post office, and in the other case 8 miles. The service given by the substation method has been entirely unsatisfactory.

Mr. SHERWOOD. Will the gentleman yield?

Mr. RANDALL. Yes.

Mr. SHERWOOD. What is the reason given by the Postmaster General for their discontinuance?

Mr. RANDALL. The Postmaster General is willing to reestablish the offices. The initiative was taken in the city of Los Angeles, which desires to consolidate all the cities of Los Angeles County with that city, and it began by influencing the department to discontinue the independent post offices. That is the origin of it.

Mr. FOSS. Is there any proposition by Los Angeles to annex these cities?

Mr. RANDALL. None in an official way, except the agitation in the city of Los Angeles.

Mr. FOSS. But there has been no vote or referendum?

Mr. RANDALL. No.

Mr. WHEELER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. Has unanimous consent been given for the consideration of this bill?

The SPEAKER. It has not.

Mr. WHEELER. Then why can we be considering it at this time?

The SPEAKER. Because the gentleman from Wisconsin reserved the right to object.

Mr. RANDALL. Mr. Speaker, the only action we have had on this question of annexation is in the case of the city of Tropic, lying between Glendale and Los Angeles, which recently voted on a proposition to annex to Los Angeles, and voted it down. Then at a later election Tropic voted to annex to Glendale. Apparently some cities would rather annex themselves to cities outside than to Los Angeles.

Mr. GILLETTE. Will the gentleman yield?

Mr. RANDALL. Yes.

Mr. GILLETTE. Do I understand that these post offices were established as substations by the department without action of Congress?

Mr. RANDALL. Yes; the offices were discontinued by the Postmaster General and made substations, but he has no power to reestablish them except as post offices of the fourth class. In such a case there is no money available for clerk hire or carrier service.

Mr. GILLETTE. Then I understand that the Postmaster General has power to destroy but not to restore?

Mr. RANDALL. He has power to destroy any presidential post office, but he can not restore it without action of Congress.

Mr. GILLETTE. When was this done?

Mr. RANDALL. About seven years ago.

Mr. STAFFORD. What is the attitude of the present Post Office Department as to a change of the status of postal stations tributary to large city post offices?

Mr. RANDALL. I can not inform the gentleman as to the general attitude, but I can say that the Post Office Department drew the language of the bill in this particular case.

Mr. STAFFORD. Has the gentleman a letter from the Postmaster General in which he says that he approves of this?

Mr. RANDALL. No. The First Assistant Postmaster General was before the Post Office Committee and interrogated, and there he drew the language for this bill. The Post Office Committee has unanimously recommended the passage of this bill.

Mr. STAFFORD. Mr. Speaker, until we have some express recommendation from the Postmaster General favoring this administrative policy I shall have to object.

The SPEAKER. Objection is made, and the bill will be stricken from the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendments of the House of Representatives to joint resolution (S. J. Res. 92) providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation.

The message also announced that the President had, on March 1, 1918, approved and signed bill of the following title:

S. 3389. An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to joint resolution of the following title:

S. J. Res. 92. Joint resolution providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash.

FOREIGN DECORATIONS AND MEDALS OF HONOR.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent that the two next bills on the Calendar for Unanimous Consent, S. 2796 and S. 1720, be passed momentarily, as both Mr. SHALLENBERGER and Mr. ANTHONY are attending a meeting of the Committee on Military Affairs.

The SPEAKER. The Clerk will report both of these bills by title, and the Chair will then put the request.

The Clerk read as follows:

S. 2796. An act to permit American citizens to wear medals or decorations received from certain foreign countries on entering the military or naval service of the United States, and for other purposes.

S. 1720. An act to provide for the award of medals of honor and distinguished service medals.

The SPEAKER. The gentleman from New York requests that the bills just reported by the Clerk be passed temporarily, to be brought up later, when the gentleman from Nebraska [Mr. SHALLENBERGER] and the gentleman from Kansas [Mr. ANTHONY] are in the Chamber. Is there objection?

There was no objection.

DESERT-LAND ENTRYMEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 175) to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. STAFFORD. Mr. Speaker, as no member of the Committee on Public Lands is present, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin that the bill be considered in the House as in Committee of the Whole?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, this bill comes from the Committee on Public Lands?

Mr. STAFFORD. It does.

Mr. COOPER of Wisconsin. Is any member of the Committee on Public Lands present?

Mr. JOHNSON of Washington. I think that committee is engaged in important hearings on the leasing bill at this time.

Mr. STAFFORD. This bill merely seeks to extend the date of a bill that passed here in 1915 so as to permit certain entrymen that entered under the desert-land law a few months subsequent to the passage of this act to have the benefits of the provisions of the law. It is a remedial measure of minor character in which the gentleman from Colorado [Mr. TIMBERLAKE] is interested.

Mr. COOPER of Wisconsin. Mr. Speaker, I have not a copy of the bill before me, but from what the gentleman from Wisconsin has just said, the bill we passed in 1915 allowed certain entrymen who had already made certain entries to have certain privileges, and now this amendment, he says, merely permits other people who made entries after that to have the same privilege. It strikes me that this grants a privilege of some consequence.

Mr. STAFFORD. To permit those who made entry, as I recall it, in the few weeks pending the legislation, to have the same privileges as were conferred by the law that was passed at that time. I may say that this bill has the approval of the Secretary of the Interior, as is evidenced by a letter which is incorporated in the report.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin to consider the bill in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the last three paragraphs of section 5 of the act of March 4, 1915, "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915, and for prior years, and for other purposes," be, and the same are hereby, extended and made applicable to any lawful pending desert-land entry made prior to March 4, 1915: *Provided*, That in cases where such entries have been assigned prior to the date of the act the assignees shall, if otherwise qualified, be entitled to the benefit hereof.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. STAFFORD. Mr. Speaker, I have a minor amendment which I desire to offer, on page 2, line 1, after the last "the," to insert the words "approval of this."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, after the word "the," where it occurs the last time in the line, insert "approval of this."

The SPEAKER. The question is on agreeing to the amendment.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to have the gentleman from Wisconsin explain precisely what that amendment does.

Mr. STAFFORD. Mr. Speaker, this proviso grants the privileges of this act, not only to those who entered upon the land under the desert-land laws in the period prior to March 4, 1915, and subsequent to July 1, 1914, but to any assignees of those entrymen in which the assignment has been made prior to the approval of this act. The purpose of the proviso is to grant the same privilege to the assignees of these entrymen as to the original entrymen, and the purpose of my amendment is merely to clear up the phraseology; but if there is any objection to it I shall withdraw it, because it is merely to improve the phraseology.

Mr. COOPER of Wisconsin. All of these entrymen could assign to the same assignee?

Mr. STAFFORD. They could under the provisions of the bill as recommended by the Secretary of the Interior.

Mr. SHERLEY. Do I understand the gentleman's amendment is to clarify the meaning of the language on page 2 of the bill, "prior to the date of the act"?

Mr. STAFFORD. Yes.

Mr. SHERLEY. And how does the gentleman propose it shall read?

Mr. STAFFORD. "Prior to the date of the approval of this act."

Mr. SHERLEY. I think that enlarges the bill very much.

Mr. STAFFORD. I think that was the purpose of the framer of the bill; but if there is objection I shall withdraw the amendment.

Mr. SHERLEY. Mr. Speaker, if the gentleman will yield further, I suggest to him that the real amendment ought to be to make this language so clear as to indicate without doubt that the assignment must have been made prior to March 4, 1915.

Mr. STAFFORD. I will say to the gentleman from Kentucky it was not the purpose, as the gentleman will see from reading the letter of the Secretary of the Interior, to limit the privileges to only those assignees who received the assignment prior to that date.

Mr. SHERLEY. Why should it not be?

Mr. STAFFORD. I am merely carrying out the suggestion of the Secretary of the Interior. Under the original law incorporated in the appropriation bill, which this is seeking to amend, the privilege was granted to all assignees of these rights up to a certain date.

Mr. SHERLEY. The Secretary does not seem to be overly enthusiastic about the bill at all.

Mr. STAFFORD. I agree with the gentleman that it merely extends certain privileges to certain entrymen who made entry in an interregnum so as to give them the same privileges. I am merely doing this in the absence of the gentleman from Colorado, who is engaged in committee work.

Mr. SHERLEY. I think the way the act is now drawn it is limited to that date, so I am willing to let it go.

Mr. STAFFORD. Then I withdraw my amendment upon the suggestion of the gentleman from Kentucky.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. TIMBERLAKE, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF SETTLERS UNDER FORFEITED CAREY ACT PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5559) to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to know something about a bill as important as this before it passes.

Mr. TAYLOR of Colorado. Mr. Speaker, I will be glad to explain the bill to the gentleman and to the House. Mr. Speaker, in several of the Western States there are a number

of what are known as "Carey Act" irrigation projects. Those projects are started by agreement between the Federal Government and the various States. The States enter into an agreement with some large corporations to build large irrigation ditches, reservoirs, and so forth, and allow settlers to come in and take a 160-acre homestead on those projects. On some of those projects the companies that have agreed to build the ditches have fallen down. They have been unable to get the money to finance the proposition, or the available supply of water has proven insufficient, and for various reasons the parties have been unable to go ahead with it, and there are a number of those projects where hundreds of people have been living on the land for a number of years, hanging on the best they could, and improving their claims as much as they can, and waiting and hoping that some day the company would build its ditches and extend water to their land. After nearly 10 years of waiting, the Interior Department has the authority, under certain conditions, to cancel and forfeit the project and declare the lands thereunder open to entry under the public-land laws, and there is no law that allows those settlers on these Carey Act projects any prior or preference right to take or hold their claims. They may have lived on their land 5 or 10 years, they may have put in all the improvements they could, and all of their time, and yet, when the entry is canceled the land is thrown open to public entry by the Interior Department; if somebody else can get a faster horse and beat these men to the land office, they can file on the land and get the first right to it and beat the man out of his home. This bill of mine merely gives the settler who has established a bona fide residence upon the land, made valuable and permanent improvements upon the land, 90 days' prior right to file upon the land that he is living on. This bill, if passed, would hold that claim as against all strangers 90 days for the rightful occupant to go to the land office and file on it. The bill is very short, and reads as follows:

That the Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under section 4 of the act of August 18, 1894, and the acts and resolutions amendatory thereof and supplemental thereto, commonly called the Carey Act, is authorized, in his discretion, and under such rules and regulations as he may establish, to allow for not exceeding 90 days, to any qualified person, a preference right of entry under applicable public land laws of any of such lands to which such person had initiated a claim under the State laws, and upon which such person had established actual bona fide residence, or had made substantial and permanent improvements.

This bill was referred to the Department of the Interior for recommendation, and the Acting Secretary reported thereon as follows:

DEPARTMENT OF THE INTERIOR,
Washington, August 20, 1917.

HON. SCOTT FERRIS,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your letter dated August 3, 1917, transmitting a copy of H. R. 5559, introduced by Mr. TAYLOR of Colorado.

In the operation of the Carey Act it has unfortunately occurred that lands segregated thereunder to a State, and entered under the State laws by individuals, have been eventually abandoned by the State, with consequent prejudice to the interests of its entrymen, whose legal rights depend upon those of the State, and terminate with the cancellation of the segregation. The purpose of the bill is to minimize the losses of such entrymen, so far as it may be done. The bill as presented is workable, but it is believed that with slight changes in phraseology the purpose can be better effectuated.

The bill is intended to apply to every case where lands are eliminated from a segregation under the Carey Act and the introductory clause, "In cases where Carey Act projects upon the public lands are not consummated by the States holding same," adds nothing to the meaning of the act, and might well be eliminated, since there is a possibility that some might take the clause to limit the operation of the act to cases where the project is abandoned in its entirety, while the bill should cover, as well, cases where only part of the lands are eliminated from the project.

The granting of the preference right is in the nature of an equitable action, and should be granted only when the equities are clear. It would be difficult to provide, in advance of actual consideration of cases, for general rules that would be applicable to all cases. While some such "claims" initiated under the State laws are meritorious, others are of a more or less doubtful character. Accordingly, it would appear that the Secretary should have the authority to allow the preference in his discretion, and to make special rules in any particular case that seemed to require such action, as, for instance, in restricting the preference right to those who had made entry prior to a specified date, on which the State had been advised of the opinion of the department or of the General Land Office, that the water supply would be insufficient. It should be stated in this connection that it is not now the practice of the States to allow filings under the State law until the successful completion of the project is reasonably assured.

Ordinarily the only law under which the contemplated entries could be made would be the homestead law. However, it might be well to broaden the scope of the act to include any applicable public-land law so as to govern any exceptional cases that might arise in which entries could be made under other laws.

It is accordingly suggested that the act be amended to read as follows:

"Be it enacted, etc., That the Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under section 4 of the act of August 18, 1894, and the acts and resolutions amendatory thereof and supplemental thereto, commonly called the Carey Act, is authorized, in his discretion, and under such rules and regulations as he may establish, to al-

low for not exceeding 60 days to any qualified person a preference right of entry under applicable public-land laws of any of such lands to which such person had initiated a claim under the State laws, and upon which such person had established actual bona fide residence or had made substantial and permanent improvements."

Cordially, yours,

ALEXANDER T. VOGELSANG,
Acting Secretary.

The committee adopted the substitute recommended by the Interior Department as an amendment, the only change being to extend the time in which entrymen are allowed to take advantage of the law to 90 days rather than limit it to 60 days, because of the fact that in many cases the settlers would not be able to learn of their rights within the 60 days recommended by the Secretary. The time really ought to be longer, because some of these settlers have gone into the Army or Navy and are now in France.

There have been started in former years a very large number of Carey Act projects throughout the Western States. Some of them have been successful, others have been partially successful, and a number of them have already been forfeited, and many others undoubtedly ought to be and will be forfeited, because of their utter failure. These failures have very few been fraudulent, or through bad faith, or bad management. Many of them have been started through a misunderstanding of the quantity of water available, and through incompetency in engineering, and failure to properly estimate the necessary expenses of construction of reservoirs and dams and canals, etc., and some have failed through the inability of the parties to properly finance their enterprise. In many cases large numbers of innocent home-seekers and poor people have been induced to go upon these projects and locate upon 160 acres of land and commence improving it.

Many of them have built houses and lived there in good faith for years, claiming the land and improving it as best they could without any water to irrigate with, waiting and hoping that the irrigation works would be constructed. And after spending years of time and labor and money the projects have proven a failure and been abandoned and forfeited and thrown open to settlement by the Secretary of the Interior. At the present time there is no law that in any way protects the prior rights of the settlers upon those projects to the lands they actually occupy. When the lands are thrown open to entry, any person who can beat them to the land office can file and get a first right to the land upon which these settlers have spent many years of hard labor and time and all of their money toward improving and making a home.

This bill merely protects them to the extent of giving them a 90 days' preference or prior right after the land is forfeited and thrown open to entry by the Secretary of the Interior in which they may go to the land office and file upon the lands themselves under the homestead law or the desert-land law, or the preemption law in some cases—that is, they can file under whatever law that is applicable to the character of land that is thrown open to entry. No one could take more than 160 acres, because that is all he can take under the Carey Act, and that would be the extent of the amount of land that he is living upon or improving. It is a humane measure in the interest of protecting the homes and improvements and property rights of these pioneer settlers who have in good faith been trying under the Carey Act projects to acquire a home. The Government loses nothing under this proposed act, and certainly the people who are living upon and who have improved the land are more entitled to a first claim to the land and a preference right to enter it than a mere stranger who has done nothing toward living upon or improving it. For the above reasons the committee is heartily in favor of expeditiously passing this bill, because several of those projects will probably be forfeited and opened to entry in the near future.

Mr. SHERLEY. Does it not do this? Does it not give him an inducement to take this matter out of the Carey Land Act and put it in the hands of the Government, and thereby put a burden on the Government in connection with irrigation?

Mr. TAYLOR of Colorado. No; the bill has no such effect or tendency. I do not think so; no.

Mr. SHERLEY. If he had not a preferential right, he would still try to get the State to do what it agreed to do and had fallen down on.

Mr. TAYLOR of Colorado. The State and the settlers have been trying for many years to induce the promoters of the projects to complete work and furnish water to the lands under it. These projects have been started in good faith, but the difficulties encountered have been too great and they have been unable to complete the projects.

Mr. SHERLEY. If the gentleman will yield, I want to say this to him: It is impossible for a Member to examine bills of this character who is not familiar with them as a member of

the Committee on Public Lands, so as to determine whether they ought to be taken up by unanimous consent. I do not think the Committee on Public Lands should ask of the Congress constant consideration by unanimous consent of bills of this magnitude. They ought to be taken up as other public bills are on the regular calendar, and I shall for that reason object to its consideration.

Mr. TAYLOR of Colorado. Will the gentleman withhold his objection for a moment?

The SPEAKER. Is there objection?

Mr. SHERLEY. I will withhold the objection, but I am going to make it on account of the principle I have announced.

Mr. MONDELL. Mr. Speaker, I hope the gentleman will not. This is a very simple matter, and it is an act of such simple justice, if my friend will listen to me, that there certainly ought to be no objection to it.

Mr. SHERLEY. If the gentleman will permit, he does not get the point of it at all—

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects, and the bill is stricken from the calendar.

Mr. TAYLOR of Colorado. Will the gentleman from Massachusetts permit the bill to remain on this calendar until I have an opportunity to more fully explain it to him and the gentleman from Kentucky [Mr. SHERLEY]?

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill be passed over without prejudice and go to the foot of the calendar. Does the gentleman from Massachusetts agree to that?

Mr. WALSH. I have no objection.

The SPEAKER. It is so ordered, and the bill goes to the foot of the calendar.

AMENDMENT TO THE ESPIONAGE ACT.

The next bill in order on the Calendar for Unanimous Consent was the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right, I do not think we ought—

The SPEAKER. The Chair could not hear the gentleman; he had his head tucked down.

Mr. SHERLEY. I am making myself heard now.

Mr. WEBB. Mr. Speaker, I will be very glad to explain the effect of this amendment to section 3 of the espionage act.

The committee amended section 3 of the espionage act by inserting the following words:

Or shall willfully make or convey false reports or false statements with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States.

It is perfectly apparent, Mr. Speaker, that any man who falsely and willfully circulates a report for the purpose of injuring the sale of bonds upon which the success of this war is bound to be based ought to be declared to be guilty of an offense and punished, and that is all this bill does as an amendment to section 3 of the espionage act.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, I have no objection whatever to this amendment. I think we need some legislation going even further than this goes. The reason for my reserving the right to object was this, that I think with matters that are not purely local—private bills, practically—that we ought to have some sort of explanation made to the committee touching them before they are taken up on this calendar. If we do not do it, all of us are going to wake up with regret touching some bills that will go through under misapprehension or nonappreciation of their importance. I have no objection to this bill.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Be it enacted, etc., That section 3 of title 1 of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both."

Also the following committee amendment was read:

Insert, on page 2, line 7, the words: "shall willfully make or convey false reports or false statements."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MILLER of Minnesota. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MILLER of Minnesota. I move to amend by striking out the last word.

The SPEAKER. This is a House Calendar bill. The Speaker will recognize the gentleman.

Mr. MILLER of Minnesota. I desire to ask the gentleman from North Carolina [Mr. WEBB] a question. Perhaps he made a statement, but I did not hear it through the confusion in this part of the Chamber, definitely stating how this amends the existing law. I did not understand that he so stated. I wish he would kindly explain it. I could not get it from the reading which the Clerk just made.

Mr. WEBB. Section 3 of the espionage act contains these words:

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or—

And this amendment adds—

shall willfully make or convey false reports or false statements—

And then—

with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States.

I may say that this amendment is urgently recommended by the Secretary of the Treasury and the Attorney General. They say they know of a number of cases where disloyal persons have been going around making false reports in order to influence people against the buying of liberty bonds. And a man who does that is disloyal, and we think the act ought to be amended so as to make him guilty of a crime.

Mr. MILLER of Minnesota. The purpose of this bill is to make it a crime and punishable as a crime any act that tends to obstruct this Government in the sale of its bonds?

Mr. WEBB. Not any act, but any false statement deliberately made for the purpose of obstructing the sale of bonds.

Mr. MILLER of Minnesota. I think it is timely legislation. Mr. JOHNSON of Washington. For instance, Judge Rutherford, of Georgia, I think, who is the president of the American Bible Study Club, a successor to Pastor Russell, has been going through the Northwest to advise people to get rid of their bonds, in that we are going to have a revolution in this country. Will this get a man of that character?

Mr. WEBB. I do not think so. It is hardly that broad. I think this bill covers prospective purchases and not those already made.

Mr. SHERLEY. Will the gentleman yield?

Mr. WEBB. I will.

Mr. SHERLEY. Has this committee under consideration additional legislation dealing with this broad general subject?

Mr. WEBB. Not with reference to bonds.

Mr. SHERLEY. No; but the general subject of acts of people ill disposed toward the Government that do not come technically under the law as to sedition or treason?

Mr. WEBB. We have a bill which we are going to offer as a substitute to the bill S. 383, defining what war utilities and premises are, and make it a crime for anybody to injure or obstruct those war utilities, which will get the man who can not be convicted of treason, and yet commits an offense that ought to be punishable.

Mr. SHERLEY. How soon may the House hope to have it?

Mr. WEBB. I hope to have that in the House by Wednesday. The committee has agreed on a substitute.

Mr. COX. I want to ask the gentleman a question along the line propounded by the gentleman from Kentucky, as to the proposition which his committee will bring out probably soon.

Take a case of this kind, where a citizen of this country advises drafted soldiers to go into the Army, learn drilling tactics, and become efficient in the use of the gun, in that the time will come when those soldiers will be asked to turn their guns upon the President of the United States. I am told down here at the Department of Justice that with declarations like that, that do not amount to treason, there is no Federal law that will catch men of that kind, and it strikes me they ought to be caught and prosecuted most vigorously. Now, will your proposed bill touch men of that kind?

Mr. WEBB. No, sir. We have been as diligent as possible in passing all the legislation recommended by the heads of these departments, including the Attorney General and the Secretary of the Treasury, but of course new conditions arise and demand new legislation, and we shall meet them as rapidly as the rules of the House permit.

Mr. SHERLEY. The point I was asking the gentleman about, I think, is the same point the gentleman from Indiana is interested in. We are constantly told of instances arising in different parts of the country where the department claims to be unable to act because there is no penal statute that covers the case. Now, there is no doubt that the sentiment of this Congress and the country is such that they do not propose to tolerate the continuation of those acts, and if additional legislation is needed it ought to be forthcoming.

Mr. WEBB. I want to say to my friend that I agree with him, and the legislation, so far as that is concerned, will be presented to the House.

Mr. COX. In that connection, now, does the Attorney General recommend any legislation as suggested by the gentleman from Kentucky and myself?

Mr. WEBB. It covers the legislation suggested by the gentleman from Kentucky, and we will offer it as a substitute for Senate bill 383.

Mr. COX. I beg the gentleman's pardon; I am not expressing any dissent from what the committee is going to do, but it strikes me that if the Department of Justice is correct in its opinion as to what the law is now—and no doubt the department is correct—we ought to have some wider and broader and deeper legislation in this country that would reach out and take hold of the men who are uttering seditious statements against this Government, criticizing the President right and left, and talking about a revolution to come.

Mr. WEBB. I think a great many of those people have been arrested by the authorities and put in jail under the espionage and other acts.

Mr. COX. I have been trying my best to have action taken, but it seems I can not do it to save my life.

Mr. JUUL rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. JUUL. I rise to say that I wish the gentlemen would let us in on this debate.

Mr. WEBB. The Committee on the Judiciary of the House is in close touch with the Department of Justice, and we are gladly acting on practically every suggestion which they make to us.

Mr. COX. I am seeking information, because I am called upon every day to advise some action back in my district. Suppose a case of this kind comes up: A man says to another man, "You and I should stand together, and your people and my people should stand together, because there is going to be a revolution in this country before long, and we have got to stand together in this thing." If a case like that is brought to the attention of the Department of Justice, or a case similar to that, I am told that there is no remedy for it. I am told that "it is all up to the boys on the hill." Has the gentleman in view such legislation as that?

Mr. WEBB. No recommendation as to that has been made to us.

Mr. COX. They told me that they had substantially that kind of legislation, I think, embodied in the espionage act last fall, designed to cover the very case I was citing, but that it was cut out up here. They said that if we enacted such legislation they would enforce it down there.

Mr. WEBB. I have no recollection of such legislation being proposed, but we thought, and the country thought, that the espionage act covered practically every offense that we could then think of.

Mr. COX. It may not have been the espionage act that they referred to, but they said they had urged it, and that Congress had eliminated it.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. GARD. I would suggest that the language of section 3 might cover the case suggested by the gentleman from Indiana [Mr. Cox].

Mr. COX. What does it provide?

Mr. GARD. It provides that—

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause, or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both.

Mr. COX. Well, it strikes me that that is pretty broad language.

Mr. GARD. I do not see how it could be broader. If the Department of Justice wants it, it seems to me they could get action under that clause.

Mr. COX. Why not pass it?

Mr. WEBB. That is in the law now—a part of the espionage act, which came from our Committee on the Judiciary.

Mr. COX. Well, then, if I may express my opinion, it is that we have plenty of law now.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. MILLER of Minnesota. I want to make a statement and call it to the attention of the gentleman and to the committee. I recently received information of a thoroughly reliable character—and I got it at first hand—that efforts will undoubtedly be made by sinister individuals to reduce the agricultural output, especially of the Northwest, where breadstuffs are grown, the method being to try to organize farm hands and cause them to strike at the critical or harvest time.

This is not anything new. They have been at it for two or three years. I refer to the Industrial Workers of the World. They have tried it in North Dakota. They tried it farther west, and apparently agents are now busy in Minnesota. Unfortunately, however loyal people may be as a whole in any region, there are always some malcontents. In addition, the Industrial Workers of the World, during the year 1916, brought on a big strike in the iron mines of my State. The iron mines are now running at their full capacity, and they are furnishing 75 per cent of all the iron ore used in this country.

The department was able by extra activity and the thorough cooperation of local people to prevent that which was attempted in the way of organizing strikes in the iron mines shortly after we entered the war. I find that these same agents are just now getting busy up in that country. If a man sets a wheat stack on fire or burns an elevator or bridge he has committed a crime and may be punished; yet that crime is mild compared to that of an individual who goes among farm hands and pours into their ears the worst kind of seditious stuff quietly and privately and forms them into an organization that will cause them to strike and demand impossible conditions about the time the harvests are on. I hope I am not seeing things dark, or through a dark glass. I do not think I am, but I know that that danger exists.

Mr. WEBB. Have you got a State law providing against that kind of activity?

Mr. MILLER of Minnesota. We have not a State law providing for that kind of activity. I do not think there is any State law that provides that men can not organize. Men have the right to organize themselves into any kind of an economic organization.

Mr. WEBB. But that amounts to disloyalty or treason.

Mr. MILLER of Minnesota. These things are not really economic, although on their face they may appear to be so. They are absolutely hostile to the welfare of the country. It seems to me the General Government ought to be armed with full legal authority promptly to handle a situation like this, if the committee can formulate legislation that will do more good than harm.

Mr. WEBB. If the State government can not pass such legislation, how can the Federal Government?

Mr. MILLER of Minnesota. The State can not pass such laws that will protect the Government.

Mr. WEBB. It can pass laws that will protect itself and the Government, and ought to. The gentleman says the State government has no right to prevent a man from going around and organizing labor organizations; neither has the Federal Government such right or, at present, such inclination. If you go fur-

ther and make a man guilty of organizing for the purpose of interfering with the prosecution of the war, you can get him under the State and Federal Governments both.

Mr. MILLER of Minnesota. I hope the gentleman will support legislation of that character.

Mr. WEBB. I rather think a man of that kind can be caught under the espionage law that we passed last summer, and he ought to be apprehended, because he is a dangerous character and a dangerous citizen.

I ask for a vote, Mr. Speaker.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COCONINO AND TUSAYAN NATIONAL FORESTS, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 273) to extend the time for cutting timber on the Coconino and Tusayan National Forests, Ariz.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object—

Mr. WALSH. Mr. Speaker, I object.

LAND IN BATTERY COVE, ALEXANDRIA, VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8834) authorizing the sale of a tract of land lying below the original high-water line of the Potomac River in what is known as Battery Cove, at Alexandria, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. FOSTER, Mr. COOPER of Wisconsin, and Mr. TAYLOR of Colorado reserved the right to object.

Mr. HARRISON of Virginia. Mr. Speaker, I will undertake to explain this bill if I may have the opportunity. A dispute arose between the United States Government and certain private parties as to the ownership of certain lands in Alexandria. It was agreed that the dispute should be transferred from the land to the purchase price of the land. Certain parties wanted to buy the land for private purposes, and the Secretary of War and the United States Government entered into a contract with the other claimants for the land that the Government should sell the land to these parties who desired to buy it and that the money should be paid into court and the question litigated to determine who was entitled to the purchase money.

The bill has been approved by the Secretary of War. The letter of the Secretary of War is here, desiring that the bill pass, and it has been favorably reported by the Military Affairs Committee.

Mr. FOSTER. May I ask the gentleman under what authority the Secretary of War enters into a contract to sell this land?

Mr. HARRISON of Virginia. He simply agrees that these parties shall purchase it, the title to the land being in litigation in the courts.

Mr. FOSTER. I understand that.

Mr. HARRISON of Virginia. This is to give him the authority to do that.

Mr. FOSTER. That is what I did not understand—how he could do it without authority from Congress. I understand that this land was reclaimed by the Federal Government, that there are nearly 47 acres of it, and now there is a manufacturing plant there building ships, so the report says, and they want to get this land in order to be used by this ship-manufacturing company.

Mr. HARRISON of Virginia. I so understand.

Mr. FOSTER. Now it is proposed to sell the land to the ship-manufacturing company for \$70,000.

Mr. HARRISON of Virginia. Something like that.

Mr. FOSTER. I see that the rent of the land amounts to \$42,000 a year.

Mr. CARLIN. Four thousand two hundred dollars, which is 6 per cent on the amount of the proposed purchase price.

Mr. FOSTER. Why not give them a lease of this land instead of selling it? What is the objection?

Mr. CARLIN. It is to be leased for five years under this agreement. I can explain the reason for this. The expenditure require to be made on the land by the shipbuilding company is about \$1,500,000, and they are unwilling to make that expenditure without owning the title to the land.

Mr. FOSTER. They refuse to make it unless they can buy the land?

Mr. CARLIN. There is a claim by the Government to the ownership of the fee.

Mr. FOSTER. I understand that.

Mr. CARLIN. Against the riparian owner. The title is in dispute. The Government has not yet established its claim. The shipbuilding company have bought the rights of the riparian owners and have negotiated a contract with the Secretary of War, subject to the authority of Congress, providing that the Secretary of War may sell them the land and given them title, and then pay the money into court and let the courts adjudicate the question to whom the money shall be paid, so that the litigation will be concerning the money and not concerning the land.

Mr. FOSTER. More than that, I understand the rental that comes to the Government is to be deducted from the \$70,000.

Mr. CARLIN. Only in the event that the Government establishes its title.

Mr. FOSTER. So that they would buy it for \$70,000, less the amount paid for rental?

Mr. CARLIN. In the event that the Government establishes its ownership of the land. If the Government loses out, the Government does not get anything. This is a suit between the riparian owners and the Government.

Mr. FOSTER. It seems to me a bad policy to sell this land.

Mr. MONDELL. Will the gentleman from Virginia yield?

Mr. CARLIN. Yes.

Mr. MONDELL. The gentleman from Virginia understands, of course, that the whereases which precede this bill would not become a part of the law.

Mr. CARLIN. I understand that.

Mr. MONDELL. Has the gentleman's attention been called to the fact that with the whereases separated from the bill, the bill would be hardly understandable?

Mr. CARLIN. This is in the form suggested by the War Department, which practically drew the bill. I understand there is an amendment to be offered by some on that side striking out the whereases, which would be perfectly acceptable.

Mr. MONDELL. But in that event I doubt if anyone could interpret or carry out the act.

Mr. CARLIN. I think it would be better to leave them in. In other words, the whole contract is set out in the bill so that Congress may understand it.

Mr. MONDELL. It would be very easy to redraft the bill so as to make reference to the contract in such a way as would identify it; but as the act stands, the enacting portion of it with the whereases left out would not be understandable.

Mr. CARLIN. Oh, yes; it would, if you strike out only a portion of the whereases. The whereases simply recite the contract. That was done so that Congress might have before it every line and letter of the contract.

Mr. MONDELL. I suggest to the gentleman that he redraft his bill.

Mr. CARLIN. This is the form suggested by the War Department.

Mr. MONDELL. I suggest to the gentleman that he redraft the bill so that without the whereases it would be clear and definite.

Mr. CARLIN. The only effect of redrafting would be to shorten the bill. It is longer by this process, but it was lengthened so that we might know what the contract was.

If that was not recited in the bill you could say that nobody knows what the contract is and nobody knows anything about it. It was put in the bill so that you could know all about it.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I call the attention of the gentleman from Virginia to the fact that if the preamble should be stricken out the law enacted would read in this way:

That whenever the title to the whole of said reclaimed area—

"Said" refers to something preceding that language. If the preamble is stricken out there will be nothing in the language preceding it, and therefore "said" will refer to nothing.

Mr. CARLIN. That is correct, unless you insert something in its stead.

Mr. COOPER of Wisconsin. Before I make the objection, Mr. Speaker, I wish to say that the Government of the United States has already relinquished very much more of its title to the water front in the United States than it ought ever to have relinquished. State after State is now being compelled, in order to get justice at the hands of transportation companies—steamboat and even railroad companies—to buy land at terminals at enormous prices, whereas if they had always retained

the title and leased the land on suitable terms the transportation facilities of this country would have been greatly enhanced and improved. Here it is proposed to rent property for \$4,200 a year, which would aggregate in five years \$21,000, and then when the five years are up sell the same land for \$70,000. No legislation of such importance as this should come up on the Unanimous Consent Calendar, and I object.

Mr. CARLIN. Will the gentleman withhold his objection for a moment?

Mr. COOPER of Wisconsin. I will withhold it, but I am going to renew it.

Mr. CARLIN. I have no objection to that, but I want to reply to what the gentleman has said. In the first place, if the gentleman will take time to figure he will find that the rental value of \$4,200 is exactly 6 per cent on the purchase price of \$70,000.

Mr. COOPER of Wisconsin. Then that is good property for the Government to keep.

Mr. CARLIN. But the gentleman does not understand; the Government has not yet acquired the title.

Mr. COOPER of Wisconsin. But you seem to expect that it will.

Mr. CARLIN. The contest will go on between the riparian owners and the Government and the Government may never own it; and yet the gentleman will stop the shipbuilding plant where they will have to spend a million dollars. It may be that the gentleman does not want the Government to build ships.

Mr. COOPER of Wisconsin. After that somewhat insulting speech—

Mr. CARLIN. I did not mean it in that way, and if it is offensive to the gentleman I will withdraw it.

Mr. COOPER of Wisconsin. I have heard of gentlemen like the gentleman from Virginia getting up and making insinuating reflections of that kind when a man was simply interested in protecting the people of the United States from being robbed—

Mr. CARLIN. I have withdrawn the remark.

Mr. COOPER of Wisconsin (continuing). By asking for great privileges on navigable streams, I do not know whether the gentleman is interested in this iron company or some other company in trying to get under unanimous consent this important legislation, but I do know that when he undertakes by unanimous consent of this kind to make me withdraw an objection, I notify him that he is pursuing the wrong tactics. That will not affect anybody who has at heart the interests of the country, and who knows what the practical giving away of the water front does and has done, so far as the transportation facilities of this country are concerned. Therefore I object.

The SPEAKER. Objection is made, and the bill will be stricken from the calendar.

Mr. CARLIN. Will the gentleman withhold it? The gentleman has prevented me from replying to his insinuations.

The SPEAKER. All this is out of order, and the bill will be stricken from the calendar.

CHEROKEE NATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4699) providing for the payment of certain interest on items 1 and 4 of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object. I will withhold the objection if the gentleman from Oklahoma wishes to say something.

Mr. HASTINGS. Mr. Speaker, this bill provides for the payment of interest on items 1 and 4 of a judgment entered by the Court of Claims and afterwards affirmed by the Supreme Court of the United States in 1906. It is contended by the Cherokee Nation that an error was made in the calculation of the interest on two of the four items. It is contended that there was a mistake in the calculation of the interest on items 1 and 4 of the judgment. Now, this bill has been referred to the Interior Department and has been referred to the Comptroller of the Treasury, and by reference to the report, as shown on pages 4 and 5, it will be seen that the Comptroller of the Treasury recommended it and the Department of the Interior recommended it.

Mr. STAFFORD. The gentleman says in his closing statement that the Department of the Interior recommended this legislation, and yet I find in a letter from the Secretary of the Interior a strong protest to allowing this fund to go to an attorney, who seemingly is more interested in this issue than the Cherokee Nation. He strongly objects to the language of the proviso as incorporated on page 3, which provides for the payment of these funds to this attorney by name of Boudinot, if I remember correctly. I have no objection, and I do not believe the House would have any objection to the payment of interest

on this fund, which was virtually a trust fund that failed to be placed to the trust fund of the Cherokee Nation because of some oversight of bookkeeping in the department. There is a question whether we should in this bill give interest for 10 years on another item which is ascribed to have been the result of a clerical error of the Court of Claims.

Mr. HASTINGS. And the comptroller states that, and the department concedes it.

Mr. STAFFORD. The comptroller does not state it positively. He states that it may have been the result of a clerical error. In the bill following on the Unanimous-Consent Calendar it is purposed to refer certain interest claims that have already been passed upon by the Court of Claims for reinvestigation by the Court of Claims of items 2 and 3, and I can not see any reason—though I think that bill is much more objectionable than this one—why you should not incorporate in that bill the finding by the Court of Claims as to that interest which is claimed to have been overlooked by reason of clerical error.

Mr. HASTINGS. The only difference is that the department has already conceded that the interest is due on items 1 and 4. There is no dispute about that.

Mr. STAFFORD. I grant that, and I have no objection to the payment of that interest, but the department, if the gentleman will bear with me, does most strenuously object to having this money turned over to a claim agent who has a contract that will not expire until 1920 for the payment of this fund.

Mr. COX. What is his per cent?

Mr. STAFFORD. Fifteen per cent of the amount recovered under that contract.

Mr. HASTINGS. And that was the amount of fee given on the original judgment, but if that would overcome the gentleman's objection to the bill, I shall be very glad to have him make a motion or make a motion myself to strike out the objectionable proviso to the bill.

Mr. STAFFORD. I think we should have some further assurance than that.

Mr. HASTINGS. I say that I shall make the motion myself.

Mr. STAFFORD. I think we should have an assurance from the gentlemen who will be conferees on the bill.

Mr. HASTINGS. Of course, I could not say anything about that.

Mr. STAFFORD. Here we have a bill coming into this House with a provision that is strongly opposed by the Secretary of the Interior. The bill may leave this Chamber and go to another body where that same objectionable provision may be incorporated, and still the wishes of the Secretary of the Interior may be thwarted by the agreement in conference. Until I can have some assurance from the chairman of the committee or others who may be conferees that that objectionable feature will not be assented to, I shall feel constrained to object.

Mr. HASTINGS. Let me say to the gentleman that with the elimination of this proviso, then, it would leave this bill, as I recall it, in the verbatim language as reported upon by the department, and they concede that the interest is due on items 1 and 4.

Mr. STAFFORD. Yes.

Mr. HASTINGS. And that this legislation ought to be enacted. I have done all that I possibly could do. I have assured the gentleman that so far as I am concerned I shall make a motion to strike out the proviso and pass it in the form the department recommends, which is conceded by all is due the Cherokee Nation. Let me say one word more. There is not an officer living of the Cherokee Nation to-day. Every dollar of their money except this has been provided to be paid out. The principal chief of the Cherokee Nation who made this contract with this attorney, as shown in the report, died in November last. There are no executive officers left of the Cherokee Nation. We are trying to wind up their affairs. It is the biggest tribe in point of numbers of the Five Civilized Tribes, and, as I recall, the biggest tribe of Indians in America. They have completed the making of their roll, they have allotted their lands, and their affairs are practically all wound up. We have one or two pieces of legislation that I am endeavoring to get Congress to enact so that their affairs will be completely and finally settled up. I can not give the gentleman any assurance of what another body will do, but I do say to the gentleman in good faith, in order that this might be wound up, in order that this attorney might apply elsewhere, wherever he can—and, of course, that is open to him—I shall make the motion to strike out this objectionable proviso, although I do not agree with the gentleman that it is objectionable or unjust. He has a contract with the principal chief of the Cherokee Nation. I do agree with the gentleman that that proviso as to the manner of its being receipted for is objected to by the de-

partment, but there is no objection to the payment of the interest, and there is no objection to any other provision of the bill. It is conceded by all that this interest is due.

Mr. STAFFORD. I see the gentleman's colleague [Mr. CARTER of Oklahoma], and I would like to ask him, if he has no objection, what his attitude will be?

Mr. CARTER of Oklahoma. Mr. Speaker, without reference to what my position might be, I always consider it my duty if I happen to be a member of a conference committee to carry out the will of the House to the letter, and I have always attempted so to do.

Mr. STAFFORD. The gentleman has that record in this House, and I know that no one will question it.

Mr. CARTER of Oklahoma. I am somewhat inclined to agree with the gentleman from Wisconsin.

Mr. STAFFORD. I have not at this moment before me the recommendation of the Secretary so as to say whether the bill with the proviso stricken out would leave the bill in the form so that the money will be paid over to the Cherokee Nation, as suggested by the Secretary of the Interior.

Mr. HASTINGS. There is no question but what it would be.

Mr. STAFFORD. Would the gentleman have any objection to having the bill passed over without prejudice so as to take it up two weeks hence?

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. FOSTER. To go to the foot of the list.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that this bill be passed over without prejudice.

Mr. FOSTER. And go to the foot of the list.

The SPEAKER. And go to the foot of the docket. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HOWARD was granted leave of absence for to-day, on account of serious illness in his family.

CERTAIN CLAIMS OF THE CHEROKEE NATION AGAINST UNITED STATES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 357) conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States.

The title of the bill was read.

Mr. HASTINGS. Mr. Speaker, I make the same request with reference to this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it goes over without prejudice, and goes to the foot of the calendar.

TWO ADDITIONAL JUSTICES, SUPREME COURT OF THE DISTRICT OF COLUMBIA.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 2489) to create two additional associate justices of the Supreme Court of the District of Columbia.

The SPEAKER. Is there objection to this bill creating two new judges in the District of Columbia?

Mr. COX. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, and let it go to the foot of the calendar.

The SPEAKER. The gentleman asks unanimous consent that this bill be passed over without prejudice and go to the foot of the calendar. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Now, Mr. Speaker, I ask unanimous consent at this place to insert in the RECORD a statement furnished me by the clerk of this court, showing the volume of business which they have done down there in the law department for the last 15 years, and I respectfully ask the Members of the House to read it.

The SPEAKER. The gentleman asks unanimous consent that the printed communication from the clerk of the court stating the quantity and quality of the business transacted by this court in the last 15 years—

Mr. COX. And that it go in the RECORD as this place.

The SPEAKER. And that it go into the RECORD at this particular place. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

INFORMATION FURNISHED BY CLERK OF DISTRICT SUPREME COURT TO CONGRESSMAN WILLIAM E. COX, IN RESPONSE TO LATTER'S REQUEST.

Q. Are lawsuits filed in District Supreme Court docketed in consecutive order as filed and given consecutive law cause numbers?—A. Yes.

Q. Are appeal and certiorari cases from municipal court docketed as lawsuits filed, and included among such consecutive numbering?—A. Yes.

Q. How many lawsuits were filed in 1895? Commencing with what number and ending with what number?—A. One thousand seven hundred and twenty-eight cases; 37409 to 39136, inclusive.

Q. How many lawsuits were filed in 1896? Commencing with what number and ending with what number?—A. One thousand five hundred and ten cases; 39137 to 40646, inclusive.

Q. How many circuit court cases (excluding the appeal and certiorari separate calendar) were on the printed law trial calendar of October, 1895?—A. Nine hundred and seventeen cases.

Q. How many circuit court cases (excluding the appeal and certiorari separate calendar) were on the printed law trial calendar of October, 1896?—A. Five hundred and ninety-one cases.

Q. How many of such circuit court cases on the printed law trial calendar of October, 1896, were carried forward from the October, 1895, law trial calendar?—A. Four hundred and thirty-nine cases.

Q. By what method did the court make such progress upon the law trial calendar between October, 1895, and October, 1896? How many hours a day and how many days a week did each of the two circuit divisions hold jury trials during that year?—A. By striking old cases long pending from the calendar under rule of court.

Q. How many contested jury trials were conducted in circuit division No. 1 between October, 1895, and October, 1896?—A. One hundred cases.

Q. How many contested jury trials were conducted in circuit division No. 2 between October, 1895, and October, 1896?—A. Sixty cases.

Q. How many contested jury cases were conducted in circuit division No. 1 between October, 1916, and October, 1917?—A. Forty-five cases.

Q. How many contested jury trials were conducted in circuit division No. 2 between October, 1916, and October, 1917?—A. Sixty-nine cases. (None of the foregoing answers in any way disclose the full amount of work accomplished.)

Q. Are both of the circuit divisions conducting jury trials now; and, if not, which division is not, and when did it last conduct any, and when will it commence again?—A. No. Circuit court No. 1. Last jury trials held January 23, 1918. The justice assigned to this branch has been called by the President to serve on the Railroad Wage Commission.

Q. How many hours a day and how many days a week does either circuit division regularly conduct jury trials?—A. Four days a week. Convening at 10 a. m. and adjourning at 3 p. m. usually.

Q. Was there any period during your connection with the court when the circuit divisions made it a general practice to conduct jury trials during a longer schedule of days or hours, or both? If so, during what period or periods?—A. From 1863 down to fall of 1896 jury trials were held every day in the week excepting Saturdays.

Q. How many circuit court cases (excluding the appeal and certiorari separate calendar) were on the printed law trial calendar of October, 1916?—A. Eight hundred and nineteen cases.

Q. How many of such circuit court cases on the printed law trial calendar of October, 1916, were carried forward from the October, 1915, law trial calendar?—A. Four hundred and forty-nine cases.

Q. In October, 1917, how many of the circuit court cases on the October, 1916, trial calendar remained undried?

Q. How many new circuit court cases were calendared and ready to go on the law trial calendar of October, 1917, if one had been printed? (Do not include appeal and certiorari cases which belong on a separate calendar to be heard by criminal division No. 2).—A. Three hundred and ninety-two cases.

Q. Has there been any year since 1880 when as many as 600 new circuit court cases (excluding appeal and certiorari cases) were placed on the law trial calendar within one year? If so, please state each year separately, followed by the number of such new cases during each of such years. A. No.

Q. How many new circuit court cases went on the law trial calendar of October, 1915, in addition to those carried over from the previous year? And how many were carried forward from previous year?—A. Carried forward from 1914, 214. New cases added, 222.

Q. How many lawsuits were filed between January 1, 1890, and January 1, 1900? Commencing with what number and ending with what number?—A. Thirteen thousand three hundred and forty-nine cases; 30231 to 43580, inclusive.

Q. How many lawsuits were filed between January 1, 1908, and January 1, 1918? Commencing with what number and ending with what number?—A. Ten thousand eight hundred and sixty cases; 50094 to 60954, inclusive.

Q. How many lawsuits were filed in 1917? Commencing with what number and ending with what number?—A. One thousand and ninety-eight cases; 59858 to 60955, inclusive.

Q. How many lawsuits were filed in 1880? Commencing with what number and ending with what number?—A. One thousand and ninety cases; 21450 to 22539, inclusive.

J. R. YOUNG,
Clerk, Supreme Court of the District of Columbia.
By A. J. G. BEEKMAN,
Assistant Clerk.

FEBRUARY 28, 1918.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement showing that the District Supreme Court judges terminated last year 1,313 cases per judge. No other United States judge ever approached such a record.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

The statement is as follows:

Cases commenced.	
1907-8	4,830
1911-12	5,350
1912-13	5,433
1913-14	7,088
1914-15	7,220
1915-16	9,667
1916-17	9,682

For the last year there was an average of 1,613 cases commenced for each of the six judges.

Cases terminated.	
1907-8	4,892
1911-12	5,256
1912-13	5,345
1913-14	6,936
1914-15	6,900
1915-16	8,188
1916-17	7,884

For the last year there was an average of 1,313 cases terminated for each of the six judges.

Cases pending June 30, 1917.....	12,520
Cases pending June 30, 1916.....	11,119
Accumulation on the docket for year.....	1,401
Cases pending June 30, 1917, for each judge.....	2,086
Cases terminated per judge last year for District of Columbia.....	1,813
Cases terminated per judge last year in Indiana.....	183
Cases terminated per judge last year in Pennsylvania.....	129
Cases terminated per judge last year in Ohio.....	159
Cases terminated per judge last year in Nebraska.....	182
Cases terminated per judge last year in southern district of New York, with many relief judges.....	639

INCREASE OF LIMIT OF COST OF PUBLIC BUILDING AT MOULTRIE, GA.

The next bill in order on the Calendar for Unanimous Consent was the bill (H. R. 7223) to increase the limit of cost for the purchase of a site and the erection thereon of a public building at Moultrie, in the State of Georgia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object—

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, a few moments ago there were a couple of bills called from the Public Lands Committee, and each one of them was objected to by the gentleman from Massachusetts. Another distinguished Member of the House said that he objected to the Unanimous Consent Calendar being used by the Public Lands Committee as a clearing house for its measures. Now, I want to say to the House that, generally and practically speaking, the only way that the western Members can secure imperative and pressing relief for the protection of public-land settlers and absolutely necessary legislation for the development of the Western States is by using the Unanimous Consent Calendar; and, in the main, the House has been very fair and liberal in its recognition of our necessary use of that calendar. But I do feel, as a western Member, when the statement is made here on the floor of the House and the statement is made that the Public Lands Committee is improperly using the Unanimous Consent Calendar as a clearing house, and that it will not be hereafter permitted, or words to that effect, that if there is to be hereafter a discrimination made on this floor against that committee, that I ought to and must resent it, and that if that is going to be carried out I ought to make the same discrimination against all other committees. No other committee has any more right to or as much need of that calendar as the Public Lands Committee.

The SPEAKER. The Chair will inquire of the gentleman if he is talking about this bill that has been called up?

Mr. TAYLOR of Colorado. I am reserving the right to object to this bill; yes, sir; and I expect to object to it, and to others.

Mr. RUCKER. I hope the gentleman will not do that until he hears from us.

Mr. TAYLOR of Colorado. If this House is going to take that unjust position here against my committee—

Mr. WEBB. The House has not done any such thing, but an individual Member.

Mr. TAYLOR of Colorado. It looks to me like a plain and announced discrimination against the Public Lands Committee, and I feel it is time we ascertained here now what committees are going to be penalized and what are not. There are 33 bills on this Unanimous Consent Calendar for consideration to-day, and only 4 of them came from the Public Lands Committee, and all 4 of them are so plain and fair and eminently just that they ought to pass without any objection, and yet two of them are already objected off.

The SPEAKER. Is there objection?

Mr. TAYLOR of Colorado. I object.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to say a word. It is evident the gentleman from Colorado had me in mind because of a statement which I made a few moments ago, but which, unfortunately, he has not accurately quoted. I said then, and I say now, I do not think the Public Lands Committee ought to use the Unanimous Consent Calendar as a clearing house for that character of legislation which is not of a local and private nature. The Unanimous Consent Calendar was not created for the purpose of affording an easy medium for the consideration of bills of a general nature. It was created for the purpose of considering in an easy method bills which were local or private and to which no general policy attached. Now, no one more than the gentleman from Colorado ought to know that there has never been in this House a discrimination against the West as such.

And no man ought to know better than the gentleman from Colorado that no Member of this House has ever shown less disposition to discriminate against any section or against any committee than myself. In the doing of things on this floor many of

them are not personally pleasant, but they have always been done simply from a sense of public obligation. The Committee on the Public Lands will receive, I am sure, at the hands of the House that same treatment that the other committees do. If there has been any discrimination, men could say it was in favor of that committee, because most of us realize some of the pressure on Members from a new country. But the West in point of legislation and of time and of consideration on the floor has had more than any other section of the country. Now, I do not say that against it. I state what are simply the plain facts, known to every man here.

Mr. MONDELL and Mr. RUCKER rose.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] has the floor.

Mr. TAYLOR of Colorado. I yield to the gentleman from Missouri a moment.

The SPEAKER. Does the gentleman yield?

Mr. RUCKER. I want to say to the gentleman—

Mr. TAYLOR of Colorado. I yield to the gentleman from Wyoming, if the gentleman from Missouri will—

Mr. RUCKER. I am trying to talk, but the gentleman from Colorado is all the time trying to talk, begging the gentleman's pardon.

The SPEAKER. To whom does the gentleman from Colorado yield?

Mr. TAYLOR of Colorado. I yield three minutes to the gentleman from Missouri.

The SPEAKER. The gentleman can not yield time.

Mr. RUCKER. So far as I am concerned, if the gentleman wants to be discourteous to one of his colleagues, I do not care. He may go ahead and be discourteous, but you will not pass much legislation by unanimous consent.

Mr. TAYLOR of Colorado. I do not intend to be discourteous.

The SPEAKER. Both gentlemen are out of order. The question is, Is there objection to the present consideration of this bill?

Mr. TAYLOR of Colorado. I reserve the right to object.

Mr. RUCKER. I demand the regular order. Make your objection, if you want to object.

The SPEAKER. The gentleman from Massachusetts objects, and that is the end of it. And the bill is stricken from the calendar.

Mr. WALSH. Mr. Speaker, what gentleman from Massachusetts objected?

The SPEAKER. The gentleman from Massachusetts, Mr. WALSH.

Mr. WALSH. No; I did not.

The SPEAKER. Did not the gentleman from Massachusetts call for the regular order?

Mr. RUCKER. I called for the regular order.

The SPEAKER. Is there objection?

Mr. TAYLOR of Colorado. I object.

The SPEAKER. The gentleman from Colorado objects, and the bill is stricken from the calendar.

The Clerk will report the next bill.

TO AMEND SECTION 4067 OF THE REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending the scope to include women.

Mr. RUCKER. Mr. Speaker—

The SPEAKER. Is there objection to the consideration of the bill?

Mr. RUCKER. Reserving the right to object, is it in order to strike out the last word in order to get a minute or two?

The SPEAKER. It is not. The gentleman has the right to reserve the right to object.

Mr. WEBB. I will be glad to explain the features of the bill.

Mr. RUCKER. Wait a minute.

Mr. Speaker, the bill I desired to have the House consider a moment ago is one that presents much merit in my opinion. This Congress appropriated money to erect a building upon a site bought by it in the State of Georgia. The authorizations for the site and the building are in the same act—so much for the site and so much for the building. The building was contracted for. After the building was well up and practically complete, as it is to-day, other Government activities were established in this town, and the Secretary of the Treasury says it is absolutely necessary to provide housing for these activities by enlarging the building now under construction or the Government will have to erect a new building or rent a building. The Secretary reported that it would require a very small additional sum to add an additional story while the house is in process of construction. In the absence of the chairman and the gentleman who introduced the bill I felt justified in saying this much. The bill ought to pass. But by reason of the fact

that some gentleman suggested, and perhaps very wisely suggested, that this calendar should not be made a clearing house for the disposal of the public domain, the gentleman from Colorado [Mr. TAYLOR] is objecting to everything. He will make haste slowly if he continues such tactics. I want to say that much for his benefit.

The SPEAKER. Is there objection?

Mr. CRAMTON and Mr. MONDELL rose.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] is recognized.

Mr. CRAMTON. Mr. Speaker, it occurs to me that the bill that has just come up from the Committee on the Judiciary is a very good answer to the position which the gentleman from Kentucky [Mr. SHERLEY] has taken. As I understood his statement, it was this: That no bills coming from any committee, not only the Committee on the Public Lands but from any committee, because he stated it was not his purpose to discriminate between committees, that no bill coming from any committee that was of a general nature ought to come up on this Calendar for Unanimous Consent. And if the position is sound and correct the gentleman from Kentucky ought to be on his feet now to object to this present bill. I do not anticipate that he will so object. I hope that no one will object, because this is a bill to which probably no one in the House has any objection. It is a bill of importance, and there is no good prospect that it can be reached at any time soon or in any other way except on this calendar. I was not here when the House adopted the rule for the Unanimous Consent Calendar, but it seems to me ridiculous to say now that it shall have such a limited scope that a bill of general purpose that everyone wants to see passed must fail of passage because the Unanimous Consent Calendar was not created to take care of it. This is a bill to make the present statute as to spies and aliens applicable to women as well as to men. It ought to be enacted on the call of this calendar.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. CRAMTON. In a minute. If that bill, to which no one has objection, should be passed to-day, a bill from the Public Lands Committee of a general nature, and to which no one has objection, likewise should be passed.

I will be glad to yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. Is it not true that no private bill could go on this calendar—no private claim could come on this calendar? They are absolutely forbidden.

Mr. CRAMTON. The gentleman will admit there are bills of more or less local application—

Mr. TAYLOR of Colorado. Private claims can not be considered.

Mr. CRAMTON. No; private claims can not be considered, but the bill just stricken off was, of course, a bill of local interest. I think that is the distinction that the gentleman from Kentucky wanted to make.

Mr. SHERLEY. Mr. Speaker, if the House will indulge me a moment, I do not want unduly to detain it, but the proposition is not simply that no matter of a general nature should ever be considered by unanimous consent. No one ever so stated; but, speaking by and large, the Unanimous Consent Calendar should not be the medium for the consideration of matters of complicated legislation affecting general policies.

Now, everyone knows that public-land legislation is very involved. There are a great many public-land laws that only a very limited number of men in this House are familiar with. I submit in all candor—and I submit it not as a critic, but as one friendly to the West—that gentlemen from that section ought not to ask of the House constant consideration on the Unanimous Consent Calendar of bills involving detailed consideration of public-land laws, either from the Committee on Public Lands or any other committee.

Now, I do not claim infallibility. I have made objections when I felt it my duty to make them, and I shall do it in the future, undeterred by the scoldings of anybody or the threats of anybody. All I can say is that, as a general rule, this calendar should not be used to deal with matters of a general nature.

Mr. CRAMTON. Mr. Speaker, I think the distinction the gentleman now makes is a much different one, and one on which we can better agree, that a bill of a complicated and involved nature should not be considered, not that any bill of a general nature should not be considered.

Mr. MONDELL. Reserving the right to object, Mr. Speaker, I think the difficulty in regard to the bill introduced by the gentleman from Colorado [Mr. TAYLOR] grew out of the fact of a misunderstanding of its nature, character, and scope. The gentleman from Kentucky [Mr. SHERLEY] very properly, I think, suggested that general legislation of a very complicated

nature, difficult of understanding by those not familiar with the subject matter, should not be taken up and disposed of by unanimous consent. This is not that kind of a bill. It is an exceedingly simple bill, and it is quite limited in its application.

Under the Carey Act, which is a law authorizing the States under certain conditions to reclaim desert lands, the States have in certain instances attempted to do that; in some cases the attempts have not been successful. Settlers, however, had gone upon the land, expecting to have it reclaimed. Now, it so happens that the Interior Department holds that in a case of that kind the settler who has gone upon the land, without regard to the length of his residence there or the character or value of the improvements, does not have the preferential right of entry under the homestead law which the same citizen would have had he settled anywhere else on the public domain except on public lands within the Carey Act.

My own opinion is that the department should not so hold, but it does. Those men are clearly settlers upon the public domain, in good faith, for the purpose of making and securing a home, and this bill only grants such persons a preference right to make a homestead entry on the lands which they have settled upon under the Carey Act. It is very limited in its effect. It is very conservative in its provisions. It is too conservative, as a matter of fact, and it will only help in comparatively few cases. It should give a preference right without regard to homestead qualification.

I hope the gentleman from Kentucky [Mr. SHERLEY] will withdraw his objection, because none of the suggestions that he has made as to the class of legislation that should not be considered under unanimous consent applies to this bill.

Mr. SAUNDERS of Virginia. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the consideration of the bill?

Mr. TAYLOR of Colorado. I object.

Mr. WEBB. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. TAYLOR of Colorado. Yes.

Mr. WEBB. I want to state, Mr. Speaker, that this bill is recommended by the President of the United States as a war emergency bill. It was so recommended last December in his annual message, and it was recommended by the Attorney General, and it is very urgent legislation, because it enables the Government to take care of female alien enemies as well as male enemies. The present statute—Four thousand and sixty-seventh Revised Statutes—is confined to persons being males over 14 years of age. We strike out the word "males" and make the statute include women among the alien enemies of the country. If the gentleman wants to object to this kind of important matter to our country he is at perfect liberty to do so.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4067 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4067. Whenever there is declared a war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of 14 years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. While the bill as reported is in exactly the same language as the existing law, with the exception of eliminating the word "male," I wish to inquire of the chairman of the committee whether the language in the first line of the section is not rather awkward—"Whenever there is declared a war?"

Mr. WEBB. Yes, it is awkward; but that is the way we find it in the Revised Statutes.

Mr. STAFFORD. Yes; but while we are amending the law, why not use proper language—"Whenever a war is declared"?

Mr. WEBB. I agree with the gentleman entirely; but we believed we would not trouble the language of the statute, which is hoary with age, passed in 1791.

Mr. STAFFORD. Well, if the Committee on the Judiciary is wedded to the cobwebs of the past and to the language of a century ago, I am not going to interpose any suggestion of a change in making the language modern, and therefore I withdraw the pro forma amendment.

The SPEAKER. The pro forma amendment is withdrawn. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FREE SURVEY OF HOMESTEAD IN ALASKA.

The SPEAKER. The Clerk will report the next one.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8563) to amend the homestead law in its application to Alaska, and for other purposes.

The title of the bill was read.

Mr. SULZER. Mr. Speaker, this bill seeks to extend a certain measure of assistance and relief to certain deserving and worthy homesteaders in the Territory of Alaska by extending to them the privilege of free surveys of their homesteads where the public land surveys have not been extended over them.

The legislation here contemplated has been recommended by various officials of the Government for a number of years. It has the approval of—

Mr. MADDEN rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. I would like to know what the gentleman is asking permission to do?

Mr. SULZER. I ask that the bill be considered in the House as in Committee of the Whole.

Mr. MADDEN. The gentleman has not yet got consent to consider the bill at all.

The SPEAKER. No. The Chair supposed that the gentleman thought it necessary to make a preliminary statement.

Mr. SULZER. I ask unanimous consent for the present consideration of the bill, and that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SHERLEY. Reserving the right to object, we want to find out something about it.

Mr. FERRIS. Let the gentleman explain the bill. I think there will be no objection to it. It is a very inoffensive little bill.

Mr. STAFFORD. Even though it comes from the Committee on the Public Lands. [Laughter.]

Mr. FERRIS. Yes.

The SPEAKER. Is there objection?

Mr. RUCKER. Even if it does come from the Committee on the Public Lands, I reserve the right to object.

Mr. SULZER. Mr. Speaker, this bill is purely of a local character, and applies only to certain homesteaders in the Territory of Alaska. As I was about to state, it has the approval and recommendation of the Secretary of the Interior, and the unanimous recommendation of the Committee on the Public Lands. The area of surveyed land in the Territory of Alaska is to the total area of that Territory as the area of one-half of the State of Maryland is to the total area of the United States. Undoubtedly it will be many years before the public-land surveys can be extended all over Alaska, whereas there are certain homesteads being located in various parts of the Territory wherever development is taking place and wherever markets are afforded. This bill is to provide relief for these homesteaders, who will not come under the public-land surveys without it. It is designed to extend to them the free public surveys upon application and proper showing that they have complied with the various requirements of the homestead laws.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. SULZER. I yield to the gentleman.

Mr. MONDELL. Does this bill modify the present law, or enact new law in any way, except in its provisions for a free survey?

Mr. SULZER. That is all. It simply modifies the present law by adding a section, which is section 2 of this bill.

Mr. MONDELL. Do you modify section 1 at all?

Mr. SULZER. No, sir.

Mr. MONDELL. Then, why is section 1 set out?

Mr. SULZER. It is simply a repetition.

Mr. MONDELL. The gentleman is quite certain that there is no change in section 1 of the existing law?

Mr. SULZER. I will read from the report of the Secretary of the Interior, in which he says:

This bill amends the act of July 8, 1916 (39 Stat., 352), by the addition of a new section, which will be numbered section 2, providing that if the system of public surveys has not been extended over the land included in a homestead entry, the entryman may, after compliance with the terms of the homestead law, submit proof thereof to the register and receiver, who thereupon, if satisfied with the showing, will so advise the surveyor general of the Territory, this officer to then take the necessary steps for the survey of the homestead at the expense of the Government.

Mr. MONDELL. But does the gentleman know, as a matter of fact, that section 1 as set out in the bill is section 1 of the present law, which is sought to be amended by the addition of a section?

Mr. SULZER. This was copied from the present law.

Mr. STAFFORD. Will the gentleman yield?

Mr. SULZER. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I assume that the framer of the bill, instead of drafting it so as to provide for an additional section which is included in section 2, framed it in this form because section 3 is part of the existing law, which is now section 2, and therefore the drafters of the bill wished to have the whole law presented for consideration in one measure?

Mr. SULZER. I will state to the gentleman that the bill was drafted by the Interior Department.

The SPEAKER. Is there objection?

Mr. SHERLEY. Still reserving the right to object, I have been trying to read this report and listen to the gentleman at the same time, but I have missed a good deal of what the gentleman stated. I would be obliged to the gentleman if he would repeat what he has already said so that I may know what the single effect of this bill is.

Mr. SULZER. I will state to the gentleman that there is a very small area of the public land of Alaska that has been surveyed.

Mr. SHERLEY. I understand that.

Mr. SULZER. There are certain areas that probably will not be surveyed for a great many years, for instance, along the coast. It is a very mountainous country but there are certain small areas at the mouths of streams, or in pockets in the mountains, that are suitable for homesteading, and where homesteads have been located, and it is designed to enable these people to have the same privilege as those who come under the public-land surveys; that is, that the Surveyor General can authorize a survey of their homesteads free upon application and proper showing to be made that they have complied with the homestead laws. That can be done very much more cheaply than the individual homesteader can have his homestead surveyed, because it can be done in groups.

Mr. SHERLEY. What you mean is to take the expense off the back of the homesteader and put it on the Government.

Mr. SULZER. That is it precisely.

Mr. SHERLEY. Why?

Mr. SULZER. Because they are a very deserving class of people.

Mr. SHERLEY. I understand; and the Government is occasionally deserving, and is at present struggling under very difficult circumstances to get money enough to keep itself from going bankrupt.

Mr. SULZER. This will involve a very small expense to the Government; as a matter of fact it will not make any more expense to the Government because when the homesteader has his homestead surveyed the Government has to go and check that up and that means a resurvey, and the work under the present conditions is done twice which puts the homesteaders to great expense unnecessarily.

Mr. SHERLEY. Do you require the Government to survey this land?

Mr. SULZER. It is at the Government's discretion upon the application of the homesteader who is required to make a proper showing.

Mr. SHERLEY. You propose to let the homesteader go on the land and establish a homestead right prior to a survey being made.

Mr. FERRIS. That always has been permitted in the States.

Mr. SHERLEY. It depends upon what you mean by "right." He may establish a claim but not establish a right.

Mr. JUUL. There could not be any settlement on the land without a survey.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, I am not trying to delay the House, but I can not determine these matters offhand.

Mr. MADDEN. In order to expedite matters, Mr. Speaker, I object. I do not think the Government ought to be compelled to pay the expenses of these surveys.

EXCLUSION OF SUBJECTS OF AUSTRIA-HUNGARY AND GERMANY FROM ALIEN ENEMY ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9159) to authorize the President of the United States to exclude certain subjects of Austria-Hungary and Germany from the classification of alien enemies and to naturalize certain members of the Army, Navy, and Marine Corps.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this is a most important bill. It is rather involved in some of its provisions and would require some time to consider it. If it is considered I hope the gentleman from Virginia will be rather liberal in the time allowed for its consideration.

Mr. FLOOD. I have no objection to any reasonable debate on the bill. It is an important measure. The most important features of the bill are those which authorize the naturalization of men in our Army, Navy, and Marine Corps who are subjects of our enemies.

Mr. STAFFORD. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. STAFFORD. I have had difficulty—I may be obtuse—in ascertaining the purpose of the committee in the phraseology of the last paragraph of section 2, found on page 3. It is as follows:

And except as hereinafter specified in this act, the method herein provided for acquiring citizenship shall apply to all aliens hereinbefore described, whether or not they are natives, citizens, subjects, or denizens of a country, State, or sovereignty with which the United States is at war: *Provided*, That they are not otherwise ineligible to become citizens of the United States under the naturalization laws now in force.

My specific question is as to whom that phraseology pertains—that “the method herein provided for acquiring citizenship shall apply to all aliens hereinbefore described.” Is it limited merely to the men of alien birth who are serving in the Army, Navy, and Marine Corps, or is it more general in its scope and extends to the class of aliens enumerated in the first section of the bill?

Mr. FLOOD. It only extends to aliens serving in the Army, Navy, and Marine Corps.

Mr. STAFFORD. But the language expressly states otherwise. You have already in prior language authorized aliens serving in the Army and Navy to avail themselves of citizenship by applying to the district court and showing that they have been residents of the United States one year, and now you go on in this general language and provide:

And, except as hereinafter specified in this act, the method herein provided for acquiring citizenship shall apply—

To whom?

to all aliens hereinbefore described.

They are found in the first section. They are:

Alsations, Bohemians, Croats, Hungarians, Italians, Jews, Lithuanians, Loranians, Moravians, Poles, Roumanians, Ruthenians, Serbs, Slovaks, Slovenes, and other natives, subjects or denizens of Austria-Hungary or Germany, or any individual or class thereof from the classification of alien enemies, wherever such classification now exists by reason of any act of Congress of the United States.

Why does not the general language to which I have directly referred relate to aliens hereinbefore described in section 1?

Mr. FLOOD. The intention of the committee was to restrict that to the aliens described in section 2.

Mr. STAFFORD. If that was the intention of the committee, what is the necessity of making any reference whatever to them in the language referred to in the last paragraph? They have already been taken care of by the direct provision in section 2.

Mr. SABATH. If I may be permitted, I may be able to explain this provision to the gentleman from Wisconsin. It has reference to those who can not under present naturalization laws be naturalized, namely, the Japanese and such other people. That is what was intended. As to the first section, I wish to say to the gentleman that it has been agreed on the part of the chairman of the committee to strike out the first section, and then we will have only section 2; so that the objection that the gentleman from Wisconsin has raised to that wording will not apply, because section 1, as I understand, will go out.

Mr. COOPER of Wisconsin. Mr. Speaker—

Mr. STAFFORD. I will yield to my colleague.

Mr. COOPER of Wisconsin. Mr. Speaker, I think I can explain to the satisfaction of my colleague from Wisconsin the provision he is discussing. The language is:

And except as hereinafter specified in this act the method herein provided for acquiring citizenship shall apply to all aliens hereinbefore described, whether or not they are natives, citizens, subjects, or den-

izens of a country, State, or sovereignty with which the United States is at war: *Provided*, That they are not otherwise ineligible to become citizens of the United States under the naturalization laws now in force.

My colleague will observe in lines 5 and 6 the provision is that it shall apply to all aliens, whether they are citizens of a country with which we are now at war or not. The first part of the bill applies to aliens who are citizens of a country with which the United States is at war, but there may be aliens in our Army who are citizens of a neutral country. For instance, they might be citizens of Holland, of Norway, of Sweden, of Spain, of Brazil, or any other country in South America or Central America. That language would cover them, because they would be citizens of a country with which the United States is not at war; but, Mr. Speaker, recurring to the first part of that clause, “and except as hereinafter specified in this act,” and coming down to section 3 we find this language:

That application for naturalization in the mode herein provided shall not be open to natives, citizens, subjects, or denizens of Austria-Hungary or Germany, except such individuals and classes as may be exempted by the President under the provisions of section 1 of this act.

The first class to which my colleague referred covers all aliens who are citizens of a country with which we are at war who are in our Army, and also aliens who are citizens of neutral countries who are in our armies, and the next section excludes those who can not be naturalized.

Mr. FLOOD. Mr. Speaker, I want to say to the gentleman from Wisconsin [Mr. STAFFORD] there may be something in the suggestion he makes. I think probably there is. If it is an error, I think that it grew out of the fact that this bill was largely amended after it was introduced. Section 2 was taken from one bill and section 1 was taken from another bill. I have been requested by the Department of Justice, for very good reasons, to strike out the first and third sections. If that is done, the gentleman will see that the language to which he called attention is very proper in the bill with reference to section 2 and the rest of it.

Mr. MADDEN. Sections 3 and 1 will go out?

Mr. FLOOD. Yes.

Mr. STAFFORD. The gentleman will agree that if section 1 should remain the general language in section 2 would apply to all those aliens referred to in section 1.

Mr. FLOOD. It would seem so.

Mr. STAFFORD. I can readily understand the error the committee got into by reason of framing this composite bill from different measures. Of course, if it is the purpose to strike out section 1 everything in section 2 will be intelligible.

Mr. MADDEN. And section 3 will have to go out also.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. How does the gentleman contend that this bill comes within the rule laid down in section 8 of the Constitution requiring uniform rules of naturalization to be provided throughout the United States?

Mr. FLOOD. This is uniform. This applies only to men who are in war and men who have rendered special services. It has been held that such legislation does not violate the provision requiring uniformity.

Mr. WALSH. It is not uniform with those not in the war. It gives a certain class certain privileges with reference to naturalization.

Mr. MILLER of Minnesota. But the rule of uniformity has reference to the laws of the various States of the United States.

Mr. WALSH. I submit it does not do anything of the kind. Under the Supreme Court decisions you can not set up certain classes and say that gentlemen from England can come in here and be naturalized under certain conditions, and that gentlemen from Italy can come in and be naturalized under certain other conditions.

Mr. MILLER of Minnesota. That is not what we say.

Mr. WALSH. But you are setting up classes.

Mr. MILLER of Minnesota. Oh, no; we simply say that any man who serves in the armies of the United States under certain conditions may be naturalized.

Mr. DYER. As he ought to be.

Mr. MILLER of Minnesota. As he ought to be.

The SPEAKER pro tempore (Mr. FOSTER). Is there objection?

Mr. CAMPBELL of Kansas. Mr. Speaker, reserving the right to object, this is a very important measure and should be carefully considered. These sections 1 and 3 are to be stricken out. I think it is due to the House that it has an opportunity to consider the measure, and I suggest to the gentleman from Virginia that he pass the matter over until we reach the close of the Calendar for Unanimous Consent and take it up at that time.

Mr. MILLER of Minnesota. Mr. Speaker, I trust the gentleman will not insist upon that.

Mr. DYER. I hope the gentleman will not ask that.

Mr. SABATH. Will the gentleman yield for a moment?

Mr. CAMPBELL of Kansas. Yes. This is an important measure.

The SPEAKER pro tempore. Is there objection?

Mr. CAMPBELL of Kansas. I simply suggest that the bill be passed over until the Calendar for Unanimous Consent has been concluded, and that we take it up then as the last bill on the calendar to-day.

Mr. FLOOD. Mr. Speaker, I agree with the gentleman that it is an important measure. It involves the well-being if not the retaining in our armies of probably 75,000 splendid soldiers and drawing to our standard many others whom we are in duty bound to protect as far as we can when they go abroad and meet the soldiers of the Governments to which they owe some sort of allegiance now. I am willing to accept the gentleman's suggestion if we can—

Mr. CAMPBELL of Kansas. We can let the bill go over until the calendar is completed and then take it up.

Mr. MONDELL. Mr. Speaker, reserving the right to object—

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the bill be taken up at 4 o'clock.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think that is a very bad practice, and I shall have to object to setting any definite time.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. MONDELL. Mr. Speaker, will the gentleman from Virginia yield?

Mr. FLOOD. Yes.

Mr. MONDELL. Does the gentleman know whether or not there is now in force an order issued by the Secretary of War to the effect that no native of Germany or of any of the territory within the German Empire, though he may now be a citizen of the United States, shall be given a commission in the Army?

Mr. FLOOD. I do not.

Mr. MONDELL. Unless I am very much mistaken, there is such an order; and if there is an order of that sort, how much good does section 2 do the Government, anyway? I have a constituent, born in Schleswig-Holstein of Danish parents, who came to America as a very young child, served 12 years in the Regular Army, a fine soldier, who has passed several examinations and stood high, and was refused a commission on the ground of an order issued by the Secretary of War to the effect that no native of any of the territory within the German Empire or Austria-Hungary, I presume, may receive a commission. Now, that is the word I received directly from the War Department, as I understand it.

Mr. MILLER of Minnesota. How recently is that order supposed to be issued?

Mr. MONDELL. I do not know; but I do know this young man—very capable, very efficient, very anxious to serve his Government—was refused a commission after having passed a number of examinations splendidly and having all sorts of favorable recommendations from people who have known him for years because, as he understands it, he was born in Germany, though of Danish parents.

Mr. FLOOD. It must be a recent order.

Mr. MILLER of Minnesota. There must be a mistake—

Mr. FLOOD. I know of cases where they have gotten commissions.

Mr. MONDELL. That must have occurred, I assume, or this legislation would not be here.

Mr. HAMLIN. Mr. Speaker, I do not object to considering this measure, but I do object to having it considered in this manner, and I therefore ask for the regular order.

The SPEAKER pro tempore (Mr. FOSTER). The regular order is, is there objection to this bill. [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9159) to authorize the President of the United States to exclude certain subjects of Austria-Hungary and Germany from the classification of alien enemies and to naturalize certain members of the Army, Navy, and Marine Corps.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and empowered by proclamation or otherwise to exclude Alsations, Bohemians, Croatians, Hungarians, Italians, Jews, Lithuanians, Loranians, Moravians, Poles, Roumanians, Ruthenians, Serbs, Slovaks, Slovenes, and other natives, subjects, or denizens of Austria-Hungary or Germany, or any individual or class thereof from the classification of alien enemies, wherever such classification now exists by reason of any act of Congress of the United States: *Provided,*

however, That such exclusion shall not apply to any individual who claims exemption from the military service of the United States under the selective-draft act of May 18, 1917, on the ground of alienage.

SEC. 2. That during the present war any alien now or hereafter in the service of the United States as a member of the Army, Navy, or Marine Corps, who has an honorable record in such service, may, while in such service be admitted to become a citizen of the United States upon his petition filed in any district court of the United States, the United States district courts for the Territories of Hawaii or Alaska, the United States district court for Porto Rico, the Supreme Court of the District of Columbia, or a court of record of any of the States having a common-law jurisdiction and a seal and a clerk, whether or not any such alien be a resident of the State, Territory, or District in which the application is made; the court before admitting such alien to citizenship shall require oral or documentary proofs, by witnesses under oath or by affidavits, that he is of good moral character and loyal to the United States, but shall not require him to prove more than one year's residence in the United States previous to filing such petition, and shall also require him to make the oath of allegiance to the United States as now prescribed under the law relating to naturalization. And except as hereinafter specified in this act, the method herein provided for acquiring citizenship shall apply to all aliens hereinbefore described, whether or not they are natives, citizens, subjects, or denizens of a country, State, or sovereignty with which the United States is at war: *Provided,* That they are not otherwise ineligible to become citizens of the United States under the naturalization laws now in force.

SEC. 3. That application for naturalization in the mode herein provided shall not be open to natives, citizens, subjects, or denizens of Austria-Hungary or Germany, except such individuals and classes as may be exempted by the President under the provisions of section 1 of this act.

SEC. 4. That the President of the United States is hereby authorized to make and promulgate such regulations as may be necessary to carry out the purposes of this act, whether or not such regulations conform to the procedure now existing.

SEC. 5. That certificates of citizenship obtained in the mode provided in this act shall be subject to cancellation in any district court of the United States upon proof that the person so naturalized has been guilty of mutiny, sedition, desertion, or of committing a felony against the criminal laws of the United States, or of committing a crime which, according to the laws of the place where it was committed, is punishable by death or imprisonment for a term exceeding one year in a penitentiary, or that he has been dishonorably discharged from the military or naval service of the United States. The procedure in the district court of the United States for such cancellation shall follow the procedure described in the act of June 29, 1906 (ch. 3592, sec. 15), and shall be in addition to modes of cancellation and of expatriation provided by all statutes now in force.

SEC. 6. That the provisions of this act shall remain in force and effect during the continuance of the present war, and all laws or parts of laws in conflict with the provisions of this act are hereby suspended during the continuance of the present war.

During the reading of the bill,

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to go back a little, and I want to move to strike out—

Mr. WALSH. The bill has not been read yet.

The SPEAKER pro tempore. The bill is being read under the five-minute rule.

Mr. STAFFORD. This is a House bill, and at the conclusion of the reading of the bill the gentleman from Virginia has a right to offer an amendment or to move the previous question on the passage of the bill.

The Clerk proceeded with and concluded the reading of the bill.

Mr. FLOOD. Mr. Speaker, I move to strike out all of the first section after the enacting clause.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 1 after the enacting clause.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the chairman to explain just why it is necessary to strike out that first section.

Mr. FLOOD. I am making this motion, Mr. Speaker, in deference to a request of the Attorney General, supplemented by a request of the State Department. The reasons given for wanting this section stricken out were that there was no necessity now for it, the liberal terms of the proclamation of the President in reference to subjects of Austria-Hungary satisfying those most interested in this section that the President by his proclamation could serve the same purpose as the enactment of this law. Then, the Department of Justice feared that if the President should exclude any one of the races named in the bill from the classification of alien enemies he would automatically lose power to intern dangerous members of that particular race, and evildoers or dangerous persons of that particular race could therefore be reached only by the ordinary course of judicial process. Exemption by him of one of these races would result also in releasing from the war prison camps any members of that particular race who have already been interned.

Again, to confer upon the President this discretion would make him the center of a strong agitation on the part of members of each of the races mentioned in the bill, requesting that he exempt members of that particular race from the classification of alien enemies. This fact would foment great discontent, particu-

larly if he should, after consideration, exempt part of the races and not the rest.

The chief object of this measure is to protect the members of the different classes or races who have volunteered or have been willingly drafted into our Army. There are quite a number of them. Gen. Crowder stated before the committee when we were considering this bill that there were nearly 11,000 subjects of Austria-Hungary alone—Bohemians, Slovaks, Slovenes, Italians, and others—who have been drafted into the Army and many thousands who have volunteered to go into the Army. There are probably 75,000 subjects of Austria-Hungary and Germany in our Army, Navy, and Marine Corps to-day and who will soon be sent abroad to face the armies of the governments to which they belonged in the past and which still claim their allegiance. These soldiers would be treated, if captured, as traitors and shot as such. The chief desire of those who advocated this measure was to give what protection, we could to those people and put us in the position of insisting that the rules of war should be applied to them just as they are to our other soldiers.

Mr. HAMLIN. Will the gentleman yield right there?

Mr. FLOOD. I will.

Mr. HAMLIN. I am in entire sympathy with the suggestion and the purpose of this matter, but has the gentleman any assurance that the other nations, Germany, for instance, would recognize the citizenship of these people after we had them naturalized and not treat them as deserters, as the gentleman says they would be, and correctly, under existing conditions?

Mr. FLOOD. None in the world. We have no assurance in the world that they would recognize this. I believe Austria-Hungary does not recognize extradition now, but I believe that by the practice of reprisal we could force these countries to recognize this citizenship.

Mr. HAMLIN. That is exactly what I had in mind.

Mr. FLOOD. This is all we can do.

Mr. HAMLIN. And very likely it would not be any protection to these people if we granted it.

Mr. FLOOD. It is all the protection we can give; it is the very best we can do for them, and it may not amount to very much, yet it is the very best protection this Government can give to them, and that is what we are trying to do by this bill.

Mr. MILLER of Minnesota. Would not it amount really to a great deal? If these men of whom the gentleman speaks are citizens of the United States and are captured by Austria, for instance, and are not treated by her as prisoners of war, citizens of a belligerent country with which Austria is at war, then retaliation is always in order in war.

Mr. FLOOD. Yes.

Mr. MILLER of Minnesota. We have in our possession Austrian soldiers, German soldiers, and we would mete out to them exactly what they meted out to these men, and they would drop it mighty quick. That is the only way to stop the central powers.

Mr. HAMLIN. We should do it even if these boys are not naturalized if they are loyal enough to fight in our Army.

Mr. MILLER of Minnesota. We could not at this time grant anything but naturalization.

Mr. HAMLIN. I am in favor of naturalization; I think they ought to be naturalized. I was asking if the measure was in force would it be any protection to them?

Mr. FLOOD. None, except the question of retaliation and reprisal. I want to say to the gentleman from Wisconsin [Mr. COOPER] that those are the reasons why the Attorney General requested that the bill be amended.

The reason the Committee on Foreign Affairs was very much wedded to section 1 was on account of the moral effect we thought at that time it would have on the subjects of Austria-Hungary. I do not believe anything we can do now will have any great effect upon those who are not hostile to that Government, at any rate, and the importance of that section does not seem to me as great now as it was a month ago.

Mr. COOPER of Wisconsin. During the consideration of the bill it was my impression that section 1 was looked on as the important section of it.

Mr. FLOOD. I believe it was then. But the important thing now, it seems to me, is to give what protection we can to these 75,000 men who have volunteered to go into our service and take upon themselves the risk that service will entail upon them.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. I yield.

Mr. WALSH. What do the brilliant legal experts of the State Department, to whom the gentleman referred the other day, think of this measure?

Mr. FLOOD. I can not hear the gentleman.

Mr. WALSH. I ask the gentleman what the brilliant legal experts of the State Department, as he termed them the other day, have to say in reference to this measure?

Mr. FLOOD. They are very much in favor of it.

Mr. WALSH. Where do they say so?

Mr. FLOOD. What?

Mr. WALSH. Where in the report do they say so?

Mr. FLOOD. They do not say so in the report. They said so in the hearings. The Acting Secretary of State, Mr. Polk, appeared at the hearings and so stated, and he subsequently wrote me a letter, which I have here, in which he withdraws his support of section 1, but not to the rest of the bill.

Mr. WALSH. And renews it to the other sections of the bill?

Mr. FLOOD. He withdraws his support only to section 1. Here is the letter:

THE COUNSELOR FOR THE DEPARTMENT OF STATE,
Washington, February 9, 1918.

The Hon. HENRY D. FLOOD,
House of Representatives.

DEAR MR. FLOOD: The Attorney General has called my attention to the fact that the bill in Congress, H. R. 9159, which relates in part to the subject of naturalizing alien enemies in the military forces, has a provision in the first section conferring on the President the power to exclude from the present classification of alien enemies some 15 races. This feature, I understand, is opposed by the War Department and the Department of Justice, and this department is in agreement with these other departments.

I am taking the liberty of writing you, as I stated at the hearing before your committee when this bill first came up, that I saw no objection to conferring discretionary powers on the President. This was an off-hand opinion, and I gave it before I had had an opportunity to read the bill. I think I also stated that this was a matter peculiarly within the province of the Attorney General, and the department felt that his views on the subject should control.

With warm regards, yours, sincerely,

FRANK S. POLK.

Mr. WALSH. Will the gentleman answer a question with reference to section 2, which has now, I understand, become section 1? Is it intended to permit these men to file their petitions for naturalization in courts which do not now have jurisdiction over naturalization matters?

Mr. FLOOD. No.

Mr. WALSH. It says here:

That upon his petition filed in any district court of the United States or a court of record in any of the States having a common-law jurisdiction and a seal and a clerk.

Now, that would include a great many courts that do not now have naturalization jurisdiction in some States.

Mr. MILLER of Minnesota. I would like to have the gentleman name any court having common-law jurisdiction that is not now having jurisdiction over naturalization cases.

Mr. FLOOD. That section, I will say to the gentleman from Massachusetts [Mr. WALSH], was drawn by a very distinguished Harvard professor of international law—

Mr. WALSH. That is the reason I think we ought to scrutinize it right closely.

Mr. FLOOD. I have not finished. Drawn by this Harvard professor in conjunction with a district attorney of the United States, and in explanation of that language, about which the committee questioned them closely, they stated that they were substantially following the language of the existing statute.

Mr. WALSH. The naturalization law?

Mr. FLOOD. Yes.

Mr. MILLER of Minnesota. I think the gentleman from Massachusetts [Mr. WALSH] will find that any court of to-day having common-law jurisdiction is competent to give naturalization.

Mr. ROGERS. How about the police courts and the district courts of Massachusetts? I think they have common-law jurisdiction?

Mr. WALSH. They have a seal and have a clerk.

Mr. MILLER of Minnesota. No police court in the world has common-law jurisdiction. They may exercise it.

Mr. FLOOD. That was the statement made. The draftsmen of this section undertook to follow, as near as possible, the existing naturalization laws. They only changed it where it was necessary to give these privileges contained in this bill to the men to whom it applied.

Mr. BURNETT. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Alabama.

Mr. BURNETT. Mr. Chairman, when the bill was originally drawn, as is stated by the chairman of the committee and the gentleman from Wisconsin [Mr. COOPER], the important section of it was the first section. I think the chairman of the committee—but if he did not, the gentleman from Wisconsin [Mr. STAFFORD]—spoke to me about the second section, which is peculiarly within the province and jurisdiction of the Committee on Immigration. And viewing as I did the fact that the first section was the important section, I stated to those gentlemen that, so far as I was concerned, we would make no point on that.

It seems it has progressed to the point where the first section should be stricken out, and the bill having been reported and gone that far, I still would make no objection to it. I think the statement of the gentleman, the chairman of the committee, is

correct in regard to the naturalization law, that the language there used in regard to naturalization, as to the courts that may have jurisdiction, is the exact language of the general naturalization law. I examined it when the gentleman from Illinois [Mr. SABATH], who is a member of both our committee and the Committee on Foreign Affairs, called my attention to it, and I felt that it was in proper form for the adjudication of the courts of the country having jurisdiction in this matter, and, so far as I was concerned, I could see no objection to that part of it. And the fact that the main part, or the head, has been stricken out will not cause me to make any objection to the jurisdiction of the committee as to the other part.

Mr. FLOOD. Mr. Speaker, I will state that when section 2 and the other sections of this bill were being considered I realized the fact that the committee having jurisdiction was the Committee on Immigration and Naturalization. I went to the gentleman from Alabama [Mr. BURNETT] and told him that we were considering this matter, and he generously said that, in view of the importance of it and in view of the fact that we had the whole subject under consideration, he would be glad to have the Foreign Affairs Committee proceed with it and report it. His statement now is the statement he made then.

Mr. BURNETT. Here is the language of the statute:

The courts having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

Mr. SABATH. That is the present law.

Mr. WALSH. I could not hear the gentleman.

Mr. BURNETT. I think this conforms to the present general law.

Mr. WALSH. Mr. Speaker, may I ask somebody to read that section again? I could not hear the gentleman.

Mr. BURNETT. I read:

That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit and district courts now existing or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the Supreme Court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That is the language covering the jurisdiction of the courts under the general law.

Mr. MILLER of Minnesota. And the language in the proposed act is really more restrictive than that?

Mr. BURNETT. Yes.

Mr. FLOOD. We undertook to make it conform to that.

Mr. ROGERS. The suggestion is made that the law may be too narrow. My inquiry is as to whether it is not too narrow in another respect. A great many of our soldiers are going to be abroad in France. They are not going to be able to take advantage of this law in its present form, because this permits them to acquire citizenship only before a court within the territory of the United States. Would the gentleman think it practicable to allow the consul general to France or some other officer of the United States to bestow citizenship on our soldiers while they are in France, while they may be especially anxious to take advantage of it?

Mr. FLOOD. I think this goes far enough. We were informed that the purpose of the War Department was, as soon as this became a law, to get these judges to go into the camps and hold court and facilitate the naturalization in every way. But that was some time ago, probably two months ago, and many of these aliens may now have gone abroad.

Mr. ROGERS. The judges would not go abroad?

Mr. FLOOD. No; they would not go abroad, but would give opportunity to the soldiers in the camps and cantonments here.

Mr. ROGERS. The soldiers will be going abroad every month. Many of them not now are eligible, but they will become eligible later. We recently passed a repatriation statute somewhat analogous to this and applying to men who enlisted in the armies of the allies. They can go before the consular officers in France. Would there be any objection to following that analogy here? I would like the gentleman to answer my question.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. FESS. It is not likely that any of these soldiers who are not citizens who are now in camp will be sent to a foreign field until this limitation is removed?

Mr. FLOOD. My understanding is that if this bill passes in reasonable time an opportunity will be given to all these soldiers to become citizens before they go abroad. That is, those who will not already have sailed.

Mr. FESS. It is not possible that our Government will send these soldiers abroad until this disability is removed?

Mr. FLOOD. I think most of them will be held here until they have opportunity to be naturalized.

Mr. HUDDLESTON. I understand that all of those not naturalized have been returned to the United States. I understand they have been weeded out abroad and have been sent back here.

Mr. FESS. That is to prevent embarrassment. Now, the gentleman will recall that when Paderewski was before our committee his idea of naming these particular classes was that it would be psychological, and it would create a very important situation on the part of those over there under the Government who were still suffering, although their sympathy was with us. That is why it was put in. It was purely psychological.

Mr. FLOOD. Yes.

Mr. ROBBINS. Is not this bill drawn to cover the very persons cited by the gentleman from Ohio? It says a petition may be filed in any district and proved by affidavit. I understand it is broad enough in the provision to permit an alien soldier to file his affidavit, and it would cover the case that has been raised of an absent soldier taking out papers.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes; I yield.

Mr. CAMPBELL of Kansas. If the bill does not provide for a soldier to be represented by attorney, does not the gentleman think that that should be done?

Mr. ROBBINS. I think it does provide in line 23 for the very contingency that the gentleman from Kansas suggests.

Mr. CAMPBELL of Kansas. I thought perhaps it did, but it is not entirely clear. I thought that the court should clearly have jurisdiction to grant citizenship in the absence of a soldier with his company on appearance by attorney.

Mr. FLOOD. The gentleman does not think that is accomplished by the bill?

Mr. CAMPBELL of Kansas. It is not clear.

Mr. FLOOD. The bill provides that the courts before admitting such alien to citizenship shall require oral or documentary proofs by witnesses under oath or by affidavits to show that he is of good moral character and loyal to the United States, but shall not require him to prove more than one year's residence in the United States previous to filing such petition.

Mr. CAMPBELL of Kansas. There should be a proviso here that that should be done on the application of the alien, either in person or by attorney.

Mr. FLOOD. Certainly there would be no objection to that.

Mr. TOWNER. In line with what the gentleman from Kansas says, the present law, of course, requires the application to be made and presented in person, and unless there was a specific section in the bill to modify that the courts, I think, would hold that that would still be required.

Mr. CAMPBELL of Kansas. I think it will be necessary. If the gentleman from Virginia, who has the floor, can offer an amendment that will do that, I think it should be done.

Mr. FLOOD. I will do it.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. COOPER of Wisconsin. I think it would be well to consider that very carefully. If the aliens now in the Army of the United States who were in France or abroad anywhere have been, a large proportion of them, already returned to the United States because of their alienage, and the others are to be returned, I think the law then should still be as it is, requiring the applicant himself to appear and be identified, and so forth, before the officer where he makes the application.

Mr. CAMPBELL of Kansas. May I make this observation? Many of these young men are far from the courts having jurisdiction. Some of them are located 1,500 miles from their homes. It would take 15 days' leave.

Mr. FLOOD. That is not intended. The language could not be construed that way.

Mr. COOPER of Wisconsin. They do not have to go to the home courts, but to any court?

Mr. FLOOD. It was stated before the committee that the judges could go into those camps and hold court there for naturalization.

Mr. COOPER of Wisconsin. Will the gentleman permit another suggestion?

Mr. FLOOD. Yes.

Mr. COOPER of Wisconsin. He can go to a court in the vicinity of the cantonment, and not only that, but he can prove his moral character by affidavits sent from his home?

Mr. FLOOD. Yes.

Mr. COOPER of Wisconsin. So that every convenience is afforded to the soldier.

Mr. FLOOD. Yes.

Mr. CAMPBELL of Kansas. Even though the bill with the consent of the Department of Justice should provide for that, I think the better practice would be for the friends and neighbors of the applicant to appear in court and testify to his right to become a citizen, upon his application by an attorney who knows him, and on his affidavit that might be prepared and sent to him. The applicant may go into a court established in the camp, but he has no one there who knows him. He has no affidavit there. It is more difficult to arrange the details of the application for citizenship in the camp, away from the friends of the soldier, than it would be to have it arranged in the home court, where witnesses and friends know the soldier.

Mr. GALLAGHER. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. GALLAGHER. Here is the situation: A great many people in our city have gone to Canada and enlisted in the Canadian Army. They were not taking volunteers in the United States, and these men went over there because they wanted to fight, and they are in the army over there. What becomes of that element, of whom great numbers are over there?

Mr. FLOOD. They are not in our Army.

Mr. GALLAGHER. No; they are in the Canadian Army.

Mr. FLOOD. This would not apply to them, and I do not think it ought to apply to them. Does the gentleman think so?

Mr. GALLAGHER. They are citizens of this country.

Mr. FESS. They could not enlist over there without relinquishing their American citizenship.

Mr. BURNETT. This is not a repatriation bill.

Mr. SABATH. I think the gentleman means residents of the United States not citizens.

Mr. GALLAGHER. They resided here and many of them became citizens, and then they went over there and enlisted.

Mr. FLOOD. They would come in under a bill that we passed sometime ago.

Mr. SABATH. And another bill which is pending and liable to be called up at almost any time.

Mr. FLOOD. I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, having the utmost confidence in the loyalty and patriotism of the people of the nationalities described in section 1, I introduced a resolution some time ago exempting them from the operations of the alien-enemy act. Since that time the President of the United States in a proclamation has exempted all of these people and has added other nationalities, exempting them from the operations of the alien-enemy act. That I have been justified in my confidence I offer this fact, that nearly 100,000 aliens of these nationalities are now in the Army, Navy, and Marine Corps of the United States. It is to protect these men, to enable them to remain in our armies, that this legislation is sought. All this bill aims to do is to naturalize all these men who desire to fight for the country of their adoption, who otherwise would have no chance or opportunity to become American citizens.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Does not section 2 admit of the naturalization of other aliens apart from those referred to in section 1?

Mr. FLOOD. Oh, yes.

Mr. SABATH. Section 2 applies to all of the aliens who are now serving in the United States Army, Navy, or Marine Corps; it matters not of what nationality they are. I believe that any man who has volunteered, or any man who has not claimed exemption under the selective act, is a good enough man, is made of the right material, has the right conception of his duty to this country, and as such is entitled to all the protection that we can give him, and is also entitled to become a citizen of the United States without any unnecessary trouble or delay.

Mr. MOORE of Pennsylvania. The gentleman has made a study of this matter and has introduced a bill, as he indicates. While the gentleman is on his feet, and since he is talking in the time of the gentleman from Virginia [Mr. FLOOD], the chairman of the Committee on Foreign Affairs, I desire to ask him one or two questions. Is it not a fact that any alien, not those particularly mentioned in paragraph 1, but any alien who has been in the country one year and who has enlisted for service in the Army or Navy, may become a naturalized citizen of the United States on petitioning a court of competent jurisdiction, as referred to here?

Mr. SABATH. Yes; and on complying with the rules and laws and regulations of our country pertaining to the naturalization of aliens.

Mr. MOORE of Pennsylvania. As the gentleman is something of an expert I want to ask this question, so that this matter may be made clear to my constituents, who are interested in it: If an alien comes forward to-day and enlists in the Army, he may apply to-morrow for naturalization and be naturalized a citizen of the United States if he can prove that he has been in the country one year. Is not that the fact?

Mr. SABATH. He must prove that he has been in the United States for one year, and he must also prove that he is a man of good moral character, and in addition to that, that he has an honorable record in the Army or Navy or Marine Corps of the United States.

Mr. MOORE of Pennsylvania. He must have the usual qualifications.

Mr. SABATH. Yes.

Mr. TOWNER. Yes; and be loyal to the United States.

Mr. SABATH. And be loyal to the United States is right.

Mr. MOORE of Pennsylvania. Exactly. That is one of the qualifications. Now, ordinarily a man must wait in this country for five years before he can become a citizen of the United States.

Mr. SABATH. Not only that, but he is subjected to examination, and must prove that he is capable of answering a great many questions that are propounded to him; he must know how to read and write the English language, and there are a great many other things that he is obliged to do before he can become an American citizen.

Mr. MOORE of Pennsylvania. Let us get down to the point I wanted to make. An alien under the law must remain in the United States for five years before he can become a citizen of the United States?

Mr. SABATH. Yes.

Mr. MOORE of Pennsylvania. If he joins the Army or the Navy or the Marine Corps and has one year's residence in the United States, he may apply for citizenship and secure it if he has the necessary qualifications?

Mr. SABATH. Yes.

Mr. MOORE of Pennsylvania. That is to say, he can cut short the period of residence four years and become a citizen if he joins the Army or the Navy?

Mr. SABATH. Yes; that is the intention.

Mr. MOORE of Pennsylvania. Following up the purpose of the alien-slacker bill, if this bill is adopted, it means that anyone who is an alien in the United States who has been here one year may become naturalized if he enlists in the Army or Navy?

Mr. SABATH. Yes; it means that he will be permitted to fight for our country, because otherwise, if the law is not enacted, there is great danger that he may be discharged on account of being an alien; that he is not an American citizen; and thereby this country would lose from the Army and the Navy seventy-five to a hundred thousand deserving men desirous of fighting for our country.

Mr. MOORE of Pennsylvania. Some gentlemen on this side seem to misunderstand the point that the gentleman has been making, and I want to repeat it. This will apply to any alien now or hereafter in the service of the United States, and not only to those specifically referred to in paragraph 1.

Mr. SABATH. That enlist in the Army, Navy, and Marine Corps.

Mr. MOORE of Pennsylvania. It would apply to anyone. Any alien except a German enemy alien could become a citizen of the United States after one year's residence upon enlistment if he wanted to.

Mr. SABATH. It will apply to all aliens that are now or will be in the Army, Navy, or Marine Corps.

Mr. FESS. Not quite as broad as that, for there is a proviso.

Mr. SABATH. There is a proviso as to people who can not become citizens now.

Mr. FESS. That is what the gentleman from Pennsylvania is driving at.

Mr. MOORE of Pennsylvania. I want to show that if a man likely to be deported from the country under the slacker bill is qualified to become a citizen he can make a short cut to citizenship under this bill by enlisting in the Army, the Navy, or the Marine Corps if he has had a year's residence and the requisite qualifications.

Mr. SABATH. Yes.

Mr. JAMES. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. JAMES. The people in paragraph 1 have been ordered back by Austria to fight in the Austrian Army. They have not gone, but in case they should be caught they will be treated as deserters. They will be deserters according to the law of Austria and according to our own law, and therefore, unless this bill is passed, we will place all these men in an embarrassing po-

sition. If it passes we can claim the men and look upon them as American citizens.

Mr. WALDOW. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. WALDOW. Does this bill give a change of status to the Poles who have formed themselves into an independent organization? A great many of them have gone to France to fight. We have right outside of my city an army of about 8,000 men, all of them of Polish nationality. Is this going to change their status in any way?

Mr. SABATH. We can not aid them in this bill. There is a separate bill pending now in which I hope we will be able to protect the brave Poles and men of other nationalities who are now joining the so-called Polish and Cecho-Slovak Army in France as well as in Canada. I expect that the bill will be shortly reported and that it will receive the unanimous support of all Members of the House.

Mr. WALDOW. Why is it not possible to have that bill incorporated in this bill?

Mr. SABATH. I think it is a very wise suggestion, and if it will not be objected to I would be more than pleased to look upon the amendment with favor.

Mr. WALDOW. I am very much interested in the proposition. We have over a thousand men from the city of Buffalo alone who have joined the Polish brigade, and it seems to me that they ought to have the protection of the United States.

Mr. SABATH. They are entitled to all the protection we can give them.

Mr. JAMES. Are these people going in a Polish legion—are they going as Poles or Americans?

Mr. SABATH. They are going as Americans. Many of them are citizens of the United States and many of them are not as yet citizens of this country.

Mr. JAMES. Who pays the expense?

Mr. SABATH. The Polish-American people in the United States, as well as other people vitally interested in organizing this splendid body of men. And what applies to the Polish legion and the Polish Army applies to the so-called Bohemian-Slavic Army that is being formed here, in Russia, and France, and is now fighting the cause of the allies across the sea.

Mr. JAMES. Those who are citizens will be taken care of.

Mr. SABATH. No; they will not be taken care of by our Government.

Mr. JAMES. Those who are citizens of the United States?

Mr. SABATH. Yes; but they will not be entitled to any pension or special benefits because they are not joining our forces. For that reason they are entitled to greater consideration than the men who are drafted and who are American citizens, because they do not have to go, but do it of their own free will, desirous of being of aid and assistance to the country of their adoption.

Mr. GALLAGHER. If the gentleman will permit, I want to say that this is the army I referred to a moment ago when I was talking to the chairman. They are not in our Army and therefore this bill would not cover them. They joined the French forces.

Mr. SABATH. I realize the force of the gentleman's statement, and, as I stated before, if an amendment can be framed and will meet with the approval, as it should, of Members here, we should embody it in this bill.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to ask the gentleman a question. Can he conceive of any legislation that we could pass which would protect men not citizens of this country who join the armies of one of our allies?

Mr. SABATH. I say in answer to that that we are trying to reach that before the Immigration Committee in this way: We have a bill pending there whereby we will suspend the operation of the immigration law as to all of the aliens who are now going abroad with our forces or with the Polish legions or the Jugo-Slovak armies, or who join the allied forces in Europe.

Mr. MILLER of Minnesota. That is true. That will enable those men ultimately, after the war is over, to come back to the United States to become citizens, not having lost any rights by reason of absence from the United States, but it does not protect them during this war.

Mr. SABATH. No; it does not, but the amendment suggested by the gentleman from New York [Mr. WALDOW] might help the situation.

Mr. FLOOD. The gentleman does not think we ought to undertake to enact a law here throwing the protection of this Government around soldiers enlisted in the army of another nation, does he?

Mr. SABATH. I will say this: They are there fighting the same cause, and where they are of aid and benefit to our country

I think we ought to extend to them all the protection and advantages we possibly can.

Mr. MILLER of Minnesota. That is very true. We ought to give them every bit of help in our power, and if we take no action at all, if men joining this legion go over and are captured and their lives are in danger, our country ought to aid them and do everything that we can in a moral way, even to the extent of threats of retaliation, to protect them, but could we in any way be justified in passing a law that would say that a man fighting in the Army of Italy or a man fighting in the Army of France or a man fighting in the Army of England, not a citizen of this country, should be a citizen of the United States?

Mr. SABATH. As to those fighting in the allied armies, it might be very hard, because we have no organization by which we could bring about the aid in giving them the benefits of this legislation. We have no courts there and no instrumentalities by which we could make them citizens.

Mr. WALDOW. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. WALDOW. Why I am so vitally interested in this: Not so much that the men shall receive the pensions and the benefits that our soldiers are going to receive, but, as I said before, there are fully 8,000 men in training now at Fort Niagara, and the great majority of those are not citizens of the United States. I understood our chairman to say that we expected to have a judge visit our different camps and confer citizenship upon the men.

Mr. FLOOD. Upon those who were in our Navy or Marine Corps, not those who are in the armies of other nations.

Mr. WALDOW. Can we not have an amendment to this bill that would take care of that particular camp, because some of them are American citizens and they are all going to fight for the American cause, and I think they ought to have that protection.

Mr. SABATH. Mr. Speaker, to those in whom there remains any doubt as to the merits of this bill I desire to say that the people covered by this bill came to these shores to escape a tyrannical dynasty, allegiance to which they never subscribed and the overthrow of which they have struggled and sought for centuries. They came here eager to grasp the opportunities afforded under our institutions and denied them in the land of their birth. They sought to advance and educate themselves and their children, to understand our institutions and the form of government that had given them every opportunity and every advantage afforded to its own citizens and that had made them free men and women. They came here to better their own conditions and to relieve, if possible, their oppressed and persecuted brethren abroad.

That they have done this none can deny. In the mines and in the factories, in the mills and in the shops, upon the farms and in the forests, in the industries and in the professions, in commerce—everywhere they have toiled, labored, and studied for the increased development of the land of their adoption. They have helped and are now helping to turn the great wheels of our industry. They have aided our commerce. They have contributed to our science. They have always been good, true, and loyal residents of this great country of ours. Who can challenge their industry? Who can question their constancy? Who dare impugn their loyalty?

And now, in the hour of our Nation's trial, they have sprung to the support of our country, to sustain our glorious flag, by the thousands, aye, by the tens of thousands, patriotically volunteering and loyally waiving all claims for exemptions, to the end that the Stars and Stripes may ever float over a free and happy people.

We who live in this wonderful democracy of ours can only speak of the wrongs of autocratic government from a theoretical knowledge, but these people who have suffered under it know this form of government from bitter, practical experience.

We are at war to preserve "humanity and democracy." They go to war not only for this reason but in the fond and passionate hope that they might help to secure it for their oppressed kinsman across the seas. Shall we deny them this opportunity because in a technical, and a purely technical, sense they are subjects of Austria-Hungary and Germany? Shall we say to these people that because a brutal and overpowering military force has subjugated you to despotic and tyrannical rule you are barred from assisting in its overthrow, even though you are a loyal and devoted resident of this country? Shall we discourage and dishearten these people, interfere with the wheels of our industries, deplete the mines and the factories of their much-needed man power, diminish the output of our workshops, increase our economic problems, already stupendous, and thereby give "aid and comfort" to our enemies, who are even more their enemies, because of a status beyond their control, the removal

of which they have sought with their life's blood these many centuries? Shall we deny them the right to fight for the colors of their adoption and force them into the foreign legion division of France and Italy?

Mr. Speaker, I do not believe such action would be compatible with the principles for which we are striving. In the mines and in the steel mills, in the great ammunition factories, they are steadfastly preparing this country for the mighty conflict in which we are engaged. Whether it be before the fiery furnaces of the steel mills, the stifling depths of the coal mines, the hazards of the ammunition factories, they go about their work steady and contented, satisfied to be of service to this country, the country of their adoption. To be of service is all they ask. Shall we deny them this?

In our Army, Navy, and Marine Corps they are represented by over 76,000, and, if I am reliably informed, that if they are not excluded from the operation of the "alien enemy" laws, our armed forces will in the course of time be deprived of some 400,000 men. What is there that would justify such a course of action?

I know that some will say that these people are responsible for this unpleasant situation because they did not become naturalized. This, however, is due to the harshness and stringency of our naturalization laws.

Mr. Speaker, with a deep faith and irrepressible confidence, I have stood upon the floor of this House upon many an occasion and vouchsafed the good and unimpeachable conduct and behavior of these people. I have never had occasion to regret it, and I say now, with a calm assurance that rests upon my complete faith in them, that they will never give me cause to regret one word or one sentiment. I call upon them now to vindicate my every assertion, to sustain my every utterance, to uphold my every assurance. I call upon them to prove, as I know they will, true to their best traditions, to meet every condition and make every sacrifice required of them with firm resolve and stout hearts, to uphold the ideals of the flag of their adoption—the red, the white, and the blue—to give their lives and their all in defense of these glorious colors, to the end that liberty and democracy may forever be preserved to our sacred country and to her brave "comrades in arms."

I call upon them to inspire and encourage their oppressed brethren in despotic Austria and military-controlled Germany; to rise in their might and break the chains that have held them in bondage and slavery, in misery and in want; to throw off the yoke of their oppressors and those tyrants who are responsible for this terrible war that has destroyed millions of lives; that has taken from mothers their sons, from wives their husbands, from millions of innocent children their fathers; that has driven from the humblest shelter and deprived of life's every necessity—life's every means of sustenance—millions of aged men, women, children, and babes. I also beseech them to call to their kinsmen across the seas and with loud voice exclaim, "Rise from your slumber, you Czecho-Slovaks, descendants of Huss-Ziska! Rise you Poles, descendants of Sobieski, Pulaski, and Kosciuszko! Rise you Jugo-Slavs, descendants of Dusan and Kara George! Rise all you subjugated peoples so that the liberty and freedom for which your forefathers hoped, suffered, bled, and died may be attained and to you forever made secure."

And when, aided by all other democracies of the world who are engaged in this monumental struggle to obtain for you this liberty and freedom, you will have helped to break the chains that have shackled you these centuries, then extend in the spirit of brotherly love and benevolence to the peoples of Germany, who are dominated by the iron and ruthless heels of military lords, the hand of friendship and aid, so that they, too—the great common masses of these German peoples who would live in peace with all the peoples of the world, but who are forcefully subjugated by the brutal power of Prussian militarism, which is attempting to conquer the nations of the world.

And, in conclusion, I fervently hope that the great Russian people and their leaders will have the wisdom and foresight to realize that the freedom they have attained and the liberty they have gained can be protected only in concert with the allied democracies of the world; that they will detect the cunning and deceit of the archenemies of every form of democracy and liberty, the autocracies of the Hapsburgs and the Hohenzollerns; that they will not, after all these years of struggle and sacrifice, lose the freedom for which they have paid with their life's blood; that they will once more join hands with the other democracies of the world, so that the sunshine of liberty and democracy may throw its light and its warmth upon all the oppressed countries of the world, be they large or small, powerful or weak; that the peace we seek shall be a righteous and permanent peace wherein all tyrannized peoples and nations shall once more breathe the air of freedom and independence.

Therefore, Mr. Speaker, in justice to these peoples, in recognition of their unquestioned and devoted loyalty, in consideration of their industry and constancy, and, finally, as a measure of self-protection, a means to sustain and increase our tremendous war preparations, this bill should be passed.

Mr. FLOOD. Why do they not stay here and join the American Army?

Mr. GALLAGHER. They could not do that under our laws. They are outside of the draft age.

Mr. WALDOW. That was the amendment that I had in mind.

Mr. FLOOD. Thousands and thousands of these people have joined the Regular Army, volunteered, who are outside of the draft age.

Mr. GALLAGHER. But these men started since we stopped volunteers from joining the Army. They had no chance to volunteer.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman from Virginia yield?

Mr. FLOOD. Yes.

Mr. MILLER of Minnesota. Can I have a moment or two? I would like to have about three minutes.

Mr. FLOOD. I yield three minutes to the gentleman from Minnesota.

The SPEAKER. The gentleman has just three minutes remaining.

Mr. MILLER of Minnesota. Then I had better take two and a half minutes, so that the gentleman from Virginia will have a half minute left.

Mr. Speaker, I have long been interested in organization of this Polish legion. I think it is a splendid thing, and one of the finest things on earth about it is that these Poles do not hesitate to join that legion for fear they will be captured by Germany or Austria. I had opportunity to meet with these gentlemen who came from the Continent of Europe when they first started the propaganda in this country. Most of them had been in the German Army, and had been captured or had gotten out, and are now organizing the forces of their brethren to go home to Europe and fight for liberty. That meant to fight against Germany. Those people are not going to be deterred at all because we are not able to give them citizenship, and if we could adopt the suggestion of the gentleman from New York [Mr. WALDOW] it would be splendid, but we can not do it. They are not fighting in our forces, nor fighting strictly for our country. I do not believe that those in the Bohemian organization are going to be one whit less courageous and vigorous than those in the Polish organization; and the fact that we can not give them the protection of citizenship is not going to deter them from performing this highly patriotic service. The man who is willing to enlist, who has the courage and the patriotism to enlist in that cause, does not need to be helped by any little addition we might give in a legislative way. He has staked his all, and he is going through with it, and while they should receive every bit of encouragement that we can give, we can not go that far. But this, too, must be said—

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. FLOOD. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman has half a minute.

Mr. FLOOD. I yield that to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, I ask unanimous consent to speak for three minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker, I want to say to the committee that the question raised by the gentleman from New York [Mr. WALDOW] as to why we should not allow this bill to cover these Poles, who are not citizens of the United States, but are in a training camp, came to us in a very interesting way through the great pianist, Paderewski, when he made a plea before the committee to give these Poles an opportunity to form an army here not to be coalesced with the American Army. When our friends are asking why we did not cover them with citizenship, may I say that he requested that it be not done; that they did not want to lose themselves in the American or any other army. When we raised the question with him that we could not give any particular protection to them if they did not become either American citizens or enter our own Army, he said that we did not really appreciate what the Poles were trying to do. His point was that the Poles in Europe were suffering so much from persecution that they wanted to know there was an army over here, not Polish-Americans nor Polish allies, but an army of Poles and formed as a unit, fighting beside our Army and the allied army, but still as an autonomous army that belonged to Poland. He

said that it was not any disrespect to the American Government nor any suggestion that they did not want to be allied with the American Government, but the psychological effect it would have upon people back in Poland if they had a real Polish army as a unit fighting for the same thing that we were fighting for. So if it does not cover it it is upon the suggestion of their representatives over here.

Mr. BURNETT. Mr. Speaker, I ask for three minutes, by unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. BURNETT. Mr. Speaker, I do not agree with the gentleman from Minnesota [Mr. MILLER] that we could not grant citizenship to these people, but I do not believe it would be wise to encumber this bill with that proposition now. We have a bill before the Committee on Immigration looking to the admission of these very people, not as ordinary immigrants, not as aliens, but just like any other American citizen coming back to this country. If these men were to be discharged or if any alien were to be discharged who had joined our Army on the other side and should possibly remain on the other side for a period of several months and not come back with his uniform on, or as a soldier, he would have to come back as an ordinary alien, and if he had been shot up over there, although a former member of our Army, having volunteered in our Army or having joined these Czecho-Slovak and Polish independent legions, he could not come back here, because he would be excluded by the immigration law. Therefore, in order to meet that very condition, the Department of Labor sent a bill to me as chairman of the committee, the purpose of which was to allow such alien to come back just like an American citizen who had fought in our Army would come back. We have reported the bill, introduced by Mr. SLAYDEN, and reported by unanimous vote of the members of our committee who were present, which will permit these people to come back. I believe, Mr. Speaker, it ought to pass, and I would not object upon a proper bill being framed and properly considered that these people should be granted the right to make an immediate application for citizenship, if they desire to, and immediately become citizens of this country.

They are not in the same class, Mr. Speaker, with resident alien subjects of cobelligerent nations who join our armies, because every Hungarian, every Pole, who is a citizen or subject of Austria-Hungary or Germany who joins those independent legions and goes over there and fights for the same causes that we are fighting for, if he is captured he will not be treated as an ordinary prisoner as those of cobelligerents who joined our Army would be. He would be treated as a traitor and shot at sunrise, perhaps, because he was guilty of treason against his country. Sometimes I have been denounced as an A. P. A. and an enemy of all foreigners. There is not a man in this House in whose heart beats a greater admiration and reverence for those men who absolutely take their lives into their own hands and know that when they join these independent legions, or join our armies, if they are captured by the Germans or Austrians they will be shot down at once as traitors to their country. It takes almost superhuman courage to volunteer to fight under such conditions. Hence, I believe that upon a properly framed bill—I had not thought of it until this discussion arose—I believe we should endow these men with the same rights and privileges of citizenship that we do other aliens who join our marines, our naval forces, or our armies. I do not believe, as has been said by the chairman of the committee, that we ought now without due consideration to undertake to cumber what seems to me to be a wise bill with provisions which we might well consider at a more opportune time.

The SPEAKER. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. FLOOD. Mr. Speaker, I have another amendment to offer, and that is to strike out section 3.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 3.

Mr. WALSH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. Is the motion to strike out debatable; is this amendment debatable?

The SPEAKER. Of course it is debatable; but the Chair wanted to find out what the gentleman wanted to do.

Mr. WALSH. I wanted to ask the chairman of the committee a question in respect to his amendment.

This says:

That application for naturalization in the mode herein provided shall not be open to natives, citizens, subjects, or denizens of Austro-Hungary or Germany, except such individuals and classes as may be exempted by the President under the provisions of section 1 of this act.

Now, is it open to all the other nations associated with Germany and Austria-Hungary in the war?

Mr. FLOOD. I did not catch the gentleman's question. I understood what he said at first.

Mr. WALSH. Is a Bulgarian permitted to become a citizen if he happens to be—

Mr. FLOOD. The amendment I submitted struck out section 3. That would leave the provisions of the bill applicable to any alien of any nation who served in our Army and had had a residence of a year in this country and had complied with the other provisions of this bill, except, of course, those who by our laws are not permitted to become citizens.

Mr. WALSH. That would include, then, enemy aliens?

Mr. FLOOD. Certainly.

Mr. WALSH. And would permit them to be naturalized?

Mr. FLOOD. Yes.

Mr. WALSH. If they qualified by having become connected with the military and naval forces of the United States?

Mr. FLOOD. Yes.

Mr. WALSH. And having resided here for a year. Now, does the gentleman think that it is a wise provision to make them citizens of the United States?

Mr. FLOOD. Yes; I thought so.

Mr. WALSH. Although they may have only recently joined the Army or the Navy?

Mr. FLOOD. If they join the Army or Navy of their own free will, showing their desire to fight for this country, can prove their loyalty and a good moral character, I think it is very advisable to make them citizens in order to give them this protection. In the Austro-Hungarian Empire, for instance, half the population is hostile to the Government of that Empire—probably over half of the population—and their feelings are friendly toward the allies and to us. A great many of those people—the Bohemians, Italians, Poles, Slovenes, and others—are in this country. Many of them are already in our military service and are entitled to the protection of our citizenship; others will be encouraged by this legislation to join our forces. They want to fight for America and the cause of human liberty. They want to fight the Government which has suppressed their wills, and they go into the Army for the purpose of making war on the Governments that still claim them as subjects. When they go over to the other side and meet the armies of those Governments and happen to be captured, they are subjected to very much more rigorous treatment than an American soldier with American citizenship would be; they will be treated as traitors, and I think that men who had shown their patriotism to this country, had shown their love of liberty, as they have, and have taken such great risks, should have some consideration shown them, and should have such a law as this passed in their behalf and for their protection.

Mr. SNYDER. Does the gentleman think that if a man became a citizen in the Army a few days after a year in the country that that qualification would be looked upon with favor by Germany in case he should be taken prisoner?

Mr. FLOOD. I do not know about that. As I said in answer to a question asked by the gentleman from Missouri, we do not know what attention the German Government will pay to this action of ours. But as has been stated here by the gentleman from Minnesota [Mr. MILLER] and myself, we can retaliate on German and Austrian citizens if those countries treat our citizens, however they may have acquired citizenship, in a way contrary to the rules of civilized warfare.

The SPEAKER. Does the gentleman from Massachusetts yield to these gentlemen in debate?

Mr. WALSH. I yielded to the gentleman from New York [Mr. SNYDER] in order to ask a question, and I am yielding to the gentleman from Virginia [Mr. FLOOD] to answer the question.

Now, if he has answered, I desire to ask a question myself. I would like to ask the gentleman from Virginia how these aliens about whom he has been talking, who are made eligible to become citizens, could in any way be punished by the foreign nations of which they were subject, when under the terms of this bill they are not required to renounce their allegiance to those nations? I would like the gentleman to answer the question, and will yield to him for that purpose.

Mr. FLOOD. What was the question?

Mr. WALSH. I said I would yield to the gentleman from Virginia.

Mr. MOORE of Pennsylvania. Look at the proviso on page 3. I think that answers the gentleman's question.

The SPEAKER. Does the gentleman from Virginia desire to answer?

Mr. FLOOD. I want to answer if I can find out what the question is.

Mr. WALSH. The gentleman has been talking about these aliens who are now subjects or citizens of certain of the European nations who have seen fit to join our military or naval forces, and stated that if they become citizens under this act these aliens of these foreign nations would probably be punished by their native countries because they joined our forces and because under the provisions of this act they became naturalized. Now, what I want to ask him is why that should necessarily follow, if they are not required to renounce their allegiance to those foreign countries of which they have been heretofore subjects or citizens?

Mr. FLOOD. Because under this law we will naturalize them. They will become citizens of this country under this law, when they take the oath of allegiance to this country.

Mr. WALSH. But that does not divest them of their citizenship in other countries.

Mr. SABATH. It does.

Mr. FLOOD. Oh, yes.

Mr. ROGERS. The requirement of this law is that they shall take the oath of allegiance to the United States as now prescribed under the law relating to naturalization.

Mr. SABATH. If the gentleman from Massachusetts would read section 4 of the naturalization act he would save himself all this trouble in repeating his question, because that sets it out clearly that such an alien, before he can become a citizen under this act, must subject himself and do all other acts required under the present act.

Mr. WALSH. The gentleman contends that that is contained in section 4?

Mr. SABATH. Yes; section 4. Has the gentleman the law there—the naturalization act?

Mr. WALSH. Yes.

Mr. SABATH. Well, if he will read it he will find that what I say is correct. The gentleman has the bill. I was referring to the naturalization act.

Mr. WALSH. I have the law before me in this volume. I was holding the bill. I was not holding the book.

Mr. SABATH. If the gentleman desires, I can read the section to him. The gentleman is satisfied now, I presume?

Mr. WALSH. I am satisfied nobody has answered the question.

Mr. SABATH. It has answered itself. It is the law.

Mr. MEEKER. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. The gentleman from Missouri moves to strike out the last two words.

Mr. MEEKER. Mr. Speaker, in reply to the gentleman from Massachusetts [Mr. WALSH], I think the proviso at the end of section 2, taken in connection with section 4 of the immigration law, takes care of the thing about which he has some concern. There would be absolutely no possibility of making anyone a citizen of the United States until he had renounced his allegiance to the nation whence he comes, so that for that he need have no fear of this law.

I only want to say one thing in regard to the principle contained in this law in connection with what might be termed the companion bill, which has already been reported out from the Committee on Immigration, which provides, as was stated by the chairman of the committee, Mr. BURNETT, for the admission of aliens who have served under our flag and who had taken out their first papers. That bill should be reported and should be acted upon at the earliest possible moment, and when that bill shall have been passed and this one it will practically complete the work of Congress, so far as providing for the care of the immigrant or alien soldier is concerned. About a year ago I took it upon myself to try to ascertain the status of alien soldiers in the armies of all the different nations of the world. It has been a most difficult thing to get exact facts in regard to the status of men in the armies of the different nations, but I have obtained within the last few days the last reports from the different nations throughout the world as to the status of alien soldiers, and with the permission of the House in the very near future I shall address the House on that subject.

I want to say that when we shall have passed this bill in connection with the other laws which we have enacted the United States will be centuries ahead of the rest of the world in caring for its alien soldiers. There is no question so involved as the status of an alien soldier in the several armies of the world. We have been working along here in a spirit of fairness in our attempt to do justice to any man who is willing and ready to don the uniform of the United States and go and fight for our

cause and under our flag. With the completion of this legislation—and I speak also when I refer to that to the Slayden bill, which is yet to come—there has been no civilized nation on the earth that has ever dealt so fairly and so honorably and with such consideration for the alien soldier as we have done here.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. GALLAGHER. Is it not a fact, too, that the pay that we give our soldiers, compared with what other soldiers get, and the insurance and the pensions, are greater than those of any other country?

Mr. MEEKER. There has never been anything like it in the world's history—the way this Congress has attempted to provide for our military forces.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. FESS. Our country has a larger proportion of people who have come to us, not natives, than any other country in the world. Is not that a fact?

Mr. MEEKER. Yes.

Mr. FESS. And it is a greater problem with us than with any other nation?

Mr. MEEKER. Certainly. But the attitude of the American Congress, which of course is the voice of the American people on this question, the willingness on the part of the American Government to go the whole length for the alien soldier under our flag, is one of the most striking illustrations of the really cosmopolitan spirit of the United States that could be given. I am sure that when I submit to you the different reports of the nations throughout the world as to what they will do and what they will not do for alien soldiers in their armies it will be a surprise to the Members of this House as to how far we have gone. And yet we have not gone beyond the line of justice in any instance, in my judgment, but we have done only the fair thing.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. SHALLENBERGER. I think it would be interesting to add there that the record of the Provost Marshal on this shows that the proportion of aliens is 8 to 5; in other words, out of 123,000 men called out, 85,000 are aliens under the law.

Mr. MEEKER. I thank the gentleman for his statement.

Mr. MILLER of Minnesota. Mr. Speaker, I rise to oppose the amendment and to ask the chairman a question. The gentleman from Kansas [Mr. CAMPBELL] suggested that the language ought to be changed so that the applicant will not personally have to appear in court. I desire to ask the chairman if he has an amendment pending to accomplish that purpose? I understood that it was expected to be accomplished.

I will say, after a further reading of the bill, that I do not know but that the point raised by the gentleman from Kansas is well taken, although I did not think it was at first. For instance, on line 25 it reads:

And shall also require him to take the oath of allegiance to the United States as now prescribed under the law relating to naturalization.

Now the man has to take that personally in the presence of the court, before the court, and if we do not make an exception he would still have to do that.

Mr. CAMPBELL of Kansas. I noticed that provision in the law. He should make the oath before the commanding officer in the presence of his comrades.

Mr. MILLER of Minnesota. If the gentleman has nothing better to offer, I will make a suggestion.

Mr. FLOOD. What is the gentleman's suggestion?

Mr. MILLER of Minnesota. To amend the bill in two places. In line 20, after the word "require," I propose to insert the words "the appearance of the applicant in person or by attorney, and," so that it will read:

The court before admitting such alien to citizenship shall require the appearance of the applicant in person or by attorney, and oral or documentary proofs—

And so forth. And then, in line 25, strike out the word "as" and at the end of the sentence, or after the word "naturalization" and before the period, insert:

Such oath to be taken orally in court or to be made in writing by subscribing to such oath in writing and in the presence of at least two witnesses.

Mr. SNYDER. I should like to ask the gentleman what section 4 does to that? Does not that authorize the President to make rules and regulations?

Mr. MILLER of Minnesota. I do not think the President could make a rule or regulation that would violate the law.

Mr. SNYDER. No; but he might make a rule or regulation that would establish a court.

Mr. MILLER of Minnesota. The gentleman from Alabama [Mr. BURNETT], who is thoroughly familiar with this question, can inform us whether or not under section 2, without that, the applicant himself would not be required to go into court.

Mr. BURNETT. It is a question of the construction of legal terms more than of familiarity with these rules. I will ask the gentleman, as it is upon petition filed, a man may file a petition either himself or by attorney, or by sending it, that following it up by "oral or documentary proofs," taking those two together, does not the gentleman think the fact that he is required to file a petition does not require his personal appearance there?

Mr. MILLER of Minnesota. I think that would be true as to the first part but not as to the latter.

Mr. CAMPBELL of Kansas. But the general law provides that he must appear in court.

Mr. BURNETT. As I recollect it. I can not recall all those details.

Mr. BUTLER. He is subject to catechism when he reaches court.

Mr. SNYDER. How can you get a man into court when he is in France?

Mr. FLOOD. Mr. Speaker, it seems to me that the amendments proposed by the gentleman from Minnesota [Mr. MILLER] are all right. I suggest to him that he ask unanimous consent to return to those sections and offer those amendments.

Mr. BUTLER. It does not require unanimous consent.

Mr. MILLER of Minnesota. All right. I move to amend—

The SPEAKER. There is already an amendment pending. The gentleman from Virginia [Mr. FLOOD] moves to strike out section 3.

The question being taken, the amendment was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. DECKER] withdraws his pro forma amendment, and the gentleman from Minnesota [Mr. MILLER] is recognized to offer his amendments.

Mr. MILLER of Minnesota. I move to amend, in line 20, page 2, after the word "require," by inserting the words "the appearance of the applicant in person or by attorney and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Minnesota: Page 2, line 20, after the word "require," insert the following: "the appearance of the applicant in person or by attorney and."

The amendment was agreed to.

Mr. MILLER of Minnesota. I move to amend, on page 3, line 1, after the word "naturalization," by inserting the following: "such oath to be taken orally in court or to be made in writing by subscribing his name thereto under oath and in the presence of at least two witnesses who are citizens of the United States."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Minnesota: Page 3, line 1, after the word "naturalization," insert the following: "such oath to be taken orally in court or to be made in writing by subscribing his name thereto under oath and in the presence of at least two witnesses who are citizens of the United States."

Mr. BURNETT. Mr. Speaker, I suppose that would necessarily imply that the oath must be taken before some officer authorized to administer oaths.

Mr. MILLER of Minnesota. Yes.

Mr. BURNETT. We would not want any lapsus on that.

Mr. PADGETT. That ought to be specified.

Mr. BURNETT. Possibly the debate showing that was the intention might be sufficient, but it would not hurt us to have it so stated.

The SPEAKER. Does the gentleman from Minnesota offer that language?

Mr. MILLER of Minnesota. I do. After the word "oath" in the amendment which has been submitted insert "before an officer authorized to administer an oath."

Mr. PADGETT. Having a seal of office.

Mr. MILLER of Minnesota. And having a seal of office.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MILLER of Minnesota modifies the amendment as follows: After the word "oath" insert "before an officer authorized to administer an oath and having a seal of office."

Mr. WALSH. Mr. Speaker, I am opposed to this amendment, for the reason that we are opening the door here pretty wide to all sorts of opportunities for abuses and fraudulent naturalization, although I heartily favor conferring citizenship on the thousands of patriotic aliens who have joined our colors. The general law upon the matter of administering the oath to the certificate of naturalization requires that before a person can be admitted to citizenship he shall declare on oath in open court that he will support the Constitution of the United States, and

so forth. Now, the amendment here proposes that the applicant, after having filed his petition in court in accordance with the requirements of law, which set forth his intention to subscribe to the oath of allegiance and to take the oath of renunciation against any foreign Government, can go before some official and take the oath in the presence of two witnesses. It may be a justice of the peace or a notary public having a seal of office, and we divest that act of all the solemnity and dignity with which we now clothe the administration of the oath of citizenship to the applicant under the general law. A further objection, in my opinion, is that I have grave doubts whether we can prescribe in this way for these particular people under the Constitution a rule of naturalization and take them out of the general law in the way we are attempting to do here. I agree with the gentleman from Minnesota and the gentleman from Virginia and the gentleman from Alabama that it is wise to naturalize these patriotic men who have responded to the call, who have joined our Army and Navy, and have gone forth to fight for the preservation of humanity, and to make the world safe for democracy and democracy safe for the world.

Mr. TILSON. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. TILSON. Does the gentleman realize that this is intended to apply to men in the Army and in the Navy, and if it is to be of any avail it will have to be provided that the oath can be taken where the soldier and the sailor is?

Mr. WALSH. I realize the difficulty, and I appreciate that there are many gentlemen on the high seas who will not be able to subscribe to the oath because there is no official there having a seal; but when they come into port they can go into a court of record having a seal prescribed by the law and take that oath. I think that is not too much to require of them, even though they are performing heroic service, and in a sense are hereby rewarded for it by this legislation.

Mr. TILSON. If this is intended to make it easy, ought it not to be provided that they may take the oath before the Judge Advocate General?

Mr. MILLER of Minnesota. Oh, no; it ought to be in some court of record.

Mr. WALSH. It would destroy the uniformity of the law, and the Constitution requires that we shall have established uniform rules of naturalization.

Mr. BURNETT. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. BURNETT. I recognize the force of the suggestion in regard to the uniformity required by the Constitution, but I call the gentleman's attention to the fact that for many years we have had a species of this kind of naturalization—that of a discharged alien soldier, seaman, or marine; that has lacked uniformity in the way that there is a difference in the period of time. Those were cases which, under the strict construction made by the gentleman, would be a lack of uniformity of naturalization; but the courts have upheld them. The main difference between this and the statutes that have existed is the personal status that they were granted a naturalization after discharge, and this is for the purpose of making all the statutes harmonize and uniform and allowing them naturalization independent of a discharge. That is the difference between the law as it exists and this bill.

Mr. WALSH. The gentleman will not contend that this law harmonizes the naturalization laws?

Mr. BURNETT. According to the construction of the court those previous laws harmonized with the naturalization laws, and this makes it more harmonious.

Mr. WALSH. Since the general naturalization law was passed, which differed materially from the law prior to that time, the Supreme Court of the United States has not passed on the question which the gentleman raises and which he says arose during the days of the Civil War. My contention is that we are not providing a uniform rule, but that in enacting this statute we are affecting the uniformity that prevailed under the general law and destroying it. In that respect we are not harmonizing the naturalization laws of the country.

Mr. BURNETT. These other statutes were not technically harmonious, and yet the courts have construed it where it applied to a general class, not to individuals, as not conflicting with the constitutional provisions that the gentleman refers to.

Mr. WALSH. I have serious doubts as to whether any court would hold that the provisions of this law were applicable to a class; they are only applicable to certain individuals who may have joined the military forces. There is no class about that; it is an individual action, purely voluntary; the action of these gentlemen who may volunteer and join these forces is an individual action, and would not seem to me to establish a classification in the true sense of the word.

Now, what do you do? Any man who may hereafter join our military forces, who may be a pacifist, who may be the subject or a citizen of Austria-Hungary, who may have lived here for 20 years, who may have been a citizen or subject of Germany, who may have been voting in certain jurisdictions throughout the country, may join the Army—and he may have joined the Army in some occupation which does not require him to shoulder a gun—he files his petition, and he can get two of his pacifist colleagues to go before some little obscure official, make oath of allegiance to the United States, if that official has a seal. And after having filed his petition and making his oath submitting his oral proof, not by himself as an individual but through an attorney, we confer upon him the citizenship of this great Republic. I say the mere fact that these gentlemen have joined our forces and are assisting us in fighting these battles, rather than joining the forces of their own nation, is not a sufficient reason why we should tear down the naturalization laws and make it easy to procure naturalization and open the door for opportunities for fraudulent practices.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. CAMPBELL of Kansas. I think the gentleman from Massachusetts has unintentionally borrowed a good deal of trouble that he has put into the statute. A petitioner for citizenship who is in the service of the United States, either on land or sea, may file his petition for citizenship in the court at his home having jurisdiction, through his attorney, where his friends will appear, and when he has been notified that the court has passed upon his case he may appear before an officer and subscribe to the oath sent to him by the court. That I take it is the procedure if this bill becomes a law.

Mr. SNYDER. With the permission of the gentleman from Massachusetts, I would like to ask how that would benefit a man who has gone to France.

Mr. CAMPBELL of Kansas. In the same way exactly.

Mr. SNYDER. When would he become a citizen? As soon as he got back to this country?

Mr. CAMPBELL of Kansas. As soon as the oath was returned and filed in the proceedings of the court.

Mr. SNYDER. He could become a citizen practically in the field?

Mr. CAMPBELL of Kansas. Certainly.

Mr. SNYDER. That is the way I want it.

Mr. CAMPBELL of Kansas. That was the intention of the amendment, to apply to any man on the seas or in the foreign service who can comply with the necessary requirements. All that he would have to do would be to submit the matter to his attorney. He would go through the usual proceedings in the court having jurisdiction, offer his proof as to the loyalty or good character of the applicant, as is provided in the general statute, and then the soldier or the sailor, as the case might be, whether on the sea, in a camp 1,500 miles from his home, or in a foreign field, would subscribe the oath provided for, return that to the court having tried the case, and file it with his petition. That is the intention I think of this bill. Unfortunately the bill has been considered in a rather informal way. The bill would have more effective consideration if it had come up on some other calendar. I think there is no danger of opening the door to fraud or injustice by simply providing that these men who have regularly enlisted, whose enlistments are known, shall have the opportunity to become citizens.

Mr. WALSH. Mr. Speaker, of course the gentleman is aware that frauds are practiced under the law as it now exists?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. I would like to ask the gentleman what is his understanding as to when this alien becomes a citizen?

Mr. CAMPBELL of Kansas. As soon as the oath is filed in the court that heard the proceeding.

Mr. BURNETT. Mr. Speaker, I would like to ask the Chairman of the committee a question that suggested itself to my mind. Is there anything in this second section that presupposes that the applicant or the petitioner shall have been a resident? I do not believe that we ought to let people become citizens who have never been here?

Mr. SABATH. They must have been residents of the United States for at least a year.

Mr. BURNETT. I had overlooked that.

Mr. WALSH. Mr. Speaker, the explanation of the gentleman from Kansas [Mr. CAMPBELL] certainly does not satisfy me that we ought to adopt the amendment proposed by the gentleman from Minnesota [Mr. MILLER]. I have expressed my views upon it, and I hope that it will not prevail.

The SPEAKER. The question is on agreeing to the Miller amendment.

The question was taken and the amendment was agreed to.

Mr. ROGERS. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Insert, after section 2, as a new section the following:

"Any alien who comes within the provisions of section 2 and who is in the performance of his duties in a foreign country may be admitted to citizenship by a consul general or consul of the United States stationed in such country: *Provided, however,* That the requirements of section 2 in respect to proofs and the oath of allegiance shall apply to aliens seeking citizenship under the provisions of this section: *And provided further,* That the Secretary of State and the Secretary of Labor shall jointly prescribe regulations for the administration of this section."

Mr. MADDEN. Mr. Speaker, will the gentleman yield before he begins his argument?

Mr. ROGERS. Yes.

Mr. MADDEN. Does not that do away with all court proceedings?

Mr. ROGERS. Yes.

Mr. MADDEN. Then I think it ought not to be passed.

Mr. ROGERS. Mr. Speaker, Congress last autumn passed a law permitting repatriation of Americans who had lost their citizenship by enlisting in the armies of our allies before the United States entered the war and who had taken the oath of allegiance to such countries, which under our laws automatically operated as an expatriation. That law which Congress passed provided that citizenship could again be acquired simply by appearing before a consular officer of the United States abroad and taking the oath of allegiance to the United States. In other words, Congress has already committed itself to the policy of permitting the acquisition of American citizenship while the seeker of citizenship is abroad. That law had the approval of both the Secretary of State and the Department of Labor, and was very carefully considered by the Committee on Immigration of the House as well as by the Committee on Military Affairs. I think we are all in sympathy with the purpose of the bill which is now under consideration. I think we want to make it easy for these American boys to acquire the name of American citizenship in addition to possessing the attributes of American citizenship, which they have shown they already possess by their service in our Armies. Gov. SHALLENBERGER a few moments ago stated that there are 123,000 aliens in our draft camps to-day, all of whom will presumably be going over to France within a very few months. We do not know how long this bill will be under consideration in Congress; we do not know how long it will take before it becomes a law. Even if it should be enacted promptly, many men would not realize the opportunity that was held out to them by the provisions of the law and would not take advantage of it to acquire citizenship before they sailed for France.

After they are in France they could, perhaps, under the amendments offered by Mr. MILLER which have just been adopted, in time acquire citizenship; but we all know it would be an exceedingly cumbersome and an exceedingly lengthy process if they should undertake to acquire citizenship over in France in view of the slow mail service, of the delays incident to working out the mechanical processes, and of the scantiness of the information at their disposal upon the procedure to be followed. Suppose a man performs an act of great bravery; suppose a man shows himself worthy of a commission while he is in France. He can not be an officer unless he is a citizen. It may be months, it may be a year, before he gets his papers in such shape that he may receive an award of a commission of which his superior officers deemed him abundantly worthy and which is held up only by the fact, and the incidental fact, of his noncitizenship.

Mr. HICKS. Will the gentleman yield?

Mr. ROGERS. I will, with pleasure.

Mr. HICKS. My friend spoke a moment ago about the repatriation law which we passed last fall. Does the gentleman from Massachusetts happen to know or can he give a guess as to the number of our citizens who are now in foreign armies, that is to say, approximately?

Mr. ROGERS. I have no information on that particular point. I do recall, however, that the best estimate we could obtain of the men covered by that act was from forty to sixty thousand. It has been taken advantage of by a considerable number of men. I regret that I can not tell the gentleman from New York how many are left who might come within its terms or the exact number of men who have already acquired citizenship under it.

As I said a moment ago, Congress has established the policy of granting American citizenship abroad. It did it in that exceedingly worthy case, and I submit to the House there can be no serious argument why it should not extend the policy so as to apply in this worthy case. The amendment

which I have offered provides that the regulations shall be arranged jointly by the Secretary of State and by the Secretary of Labor. They are the naturalizing and the citizenship officials of our Cabinet, and they can be depended upon to surround this process with every possible safeguard.

Mr. SABATH. Will the gentleman yield for a suggestion?

Mr. ROGERS. I do.

Mr. SABATH. The amendment as the gentleman submitted it for consideration refers to section 2?

Mr. ROGERS. Yes.

Mr. SABATH. As section 1 has been eliminated, section 2 will be numbered section 1 by the Clerk, and I suggest to the gentleman in those two particulars that the gentleman change it to section 1.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to amend my amendment by inserting section 1 in lieu of section 2.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MONDELL and Mr. MILLER of Minnesota rose.

The SPEAKER. To whom does the gentleman yield?

Mr. MONDELL. Mr. Speaker, I desire to be recognized in my own right.

Mr. MILLER of Minnesota. Mr. Speaker, may I make a further suggestion to the gentleman?

Mr. ROGERS. Certainly.

Mr. MILLER of Minnesota. I gathered, when the Clerk read the amendment offered by the gentleman, it made no reference to procedure, excepting in a few instances, and my suggestion is, would it not be advisable in that part of the gentleman's amendment in which he refers to this act that he use the word "procedure." If I had the amendment before me, I could tell exactly where it should come in.

Mr. WALSH. I would like to ask my colleague what is the object in allowing the Secretary of State and Secretary of Labor to make regulations, when in section 4 the President is authorized to make such regulations as may be necessary to carry out the purposes of the act. I wondered—

Mr. ROGERS. Mr. Speaker, I think the point is well taken, and I will eliminate that portion of my amendment.

Mr. MILLER of Minnesota. That portion of the gentleman's amendment to which I referred was where it reads "that the requirements of section 1 in respect to proof and the oath of allegiance shall apply," and so forth. Now, that does not cover the procedure which they are put to on account of taking the oath and submitting proof, and I therefore suggest that the word "procedure" be substituted—

Mr. ROGERS. Be added?

Mr. MILLER of Minnesota. Be added just ahead of the word "proof." That also would make it conform to section 4, which would be section 3.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to have read the amendment as modified and that it be considered in lieu of the amendment offered by me which was just read.

The SPEAKER. The gentleman asks unanimous consent to have the modified amendment read in lieu of the other, which he withdraws. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. Mr. Speaker, I would like to know if we can not get an agreement. I would like to move the previous question on the bill and all amendments—

Mr. MONDELL. I would like to have about five minutes.

Mr. BURNETT. I would like to have about three minutes in opposition to the amendment.

Mr. FLOOD. How would it do to say at the end of 10 minutes?

Mr. WALSH. I would like to know whether there are any other amendments.

Mr. FLOOD. I have not heard of any more.

Mr. WALSH. Perhaps the gentleman from Massachusetts, my colleague—

Mr. ROGERS. I have no other amendments to offer.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that at the end of 10 minutes' debate the previous question be considered as ordered.

The SPEAKER. The gentleman from Virginia asks unanimous consent that at the end of 10 minutes the previous question be considered as ordered. Is there objection?

Mr. MONDELL. Who is to have the 10 minutes?

Mr. FLOOD. How much did you say you wanted?

Mr. MONDELL. Five minutes.

Mr. FLOOD. And the gentleman from Alabama three.

Mr. MONDELL. The gentleman from Massachusetts [Mr. ROGERS] may desire more time.

Mr. ROGERS. I do not wish any more time.

Mr. BURNETT. Do you mean the previous question on the bill?

Mr. FLOOD. And all amendments thereto.

The SPEAKER. The amendments and the bill to final passage. Is there objection to the request of the gentleman from Virginia [Mr. Flood] for 10 minutes? [After a pause.] The Chair hears none. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment by Mr. ROGERS: Insert, after section 1, as a new section the following:

"Any alien who comes within the provisions of section 1 and who is in the performance of his duties in a foreign country, may be admitted to citizenship by a consul general or consul of the United States stationed in such country: *Provided, however,* That the requirements of section 1 in respect to procedure, proofs, and the oath of allegiance shall apply to aliens seeking citizenship under the provisions of this section."

Mr. MONDELL. Mr. Speaker, a few days ago we were considering the case of alien slackers. To-day we are considering the case of alien patriots. Many thousands of patriotic men, citizens of the lands with whom we are at war, have enlisted in the service of the United States. Those men when they reach foreign shores and take their places on the battle line, if captured while still citizens of their native lands will be subject to the pains and penalties of treason. It is not altogether certain that we can beyond question save them from such punishment. Whatever we may do, Germany and Austria may still claim them as citizens and if captured treat them accordingly. We should at least go as far as possible toward protecting them in case of capture. We can give them the opportunity to become American citizens and then insist with all our might that they shall if captured be treated as other American citizens taken as prisoners of war. If this is to be done, as it should be for these patriotic men, it must be done in a way that will be effective, and make it possible for them to take advantage of the American citizenship we hold out to them and secure the protection that it affords. It may be said that what is proposed is irregular, that this is not a usual and approved procedure.

It is true it is not the proper procedure for conferring citizenship under ordinary conditions, but unless we make some such provision as is contained in the amendment offered by the gentleman from Massachusetts we might just as well forego any attempt to bring these men within the protection of American citizenship, for some of them are not and will not be able to appear before the courts or have their cases considered by the courts in time to afford them the protection they deserve. Some of them are already on foreign shores, some of them are on the ocean on their way over there, and we must make it possible for them to acquire citizenship in some such way as this amendment provides or it will be utterly impossible for us to protect them or to attempt to protect them as American citizens. That being true, it seems to me we ought to waive all questions of unusual or irregular proceedings. These are unusual and extraordinary cases, and we must depart from the usual procedure if we are to give these men the protection we seek to give them. Let us do it in a way that will be effective by adopting the amendment offered by the gentleman from Massachusetts [Mr. Rogers]. I glory in the courage and loyalty of these men, who boldly and freely offer themselves to our cause though by so doing they subject themselves to dangers the native born is not subjected to. There are no better patriots than these men of foreign birth. Let us give them the protection of American citizenship.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] is recognized for three minutes.

Mr. BURNETT. Mr. Speaker, my recollection is that I had a conversation with some gentleman representing the Bureau of Naturalization in regard to a question of this kind, and if I am correct in that statement, and I think I am, the suggestion was made by him that it would greatly confuse the records, and that there would be so much uncertainty involved in the whole question, that there would be nothing here to determine the question of the citizenship for months perhaps after they had made their attempt to acquire citizenship. Granting naturalization is at least a quasi judicial function that is sought to be conferred on American consuls and consuls general. It seems to me that the Miller amendment makes the bill go as far as it ought to go unless we have mature deliberation upon it. The committee evidently considered very carefully the other phases of the bill—

Mr. SNYDER. Will the gentleman answer this question?

Mr. BURNETT. Yes.

Mr. SNYDER. How long do you think it would take under the Miller amendment for a man who is now in France, a soldier, who lived out in Kansas somewhere, to get his papers back and become a citizen, from the time he applied?

Mr. BURNETT. No longer, Mr. Speaker, than it would take for the consul general or the consul to get the papers back here, if he took the testimony over there.

Mr. SNYDER. That does not quite answer the question. I would like the gentleman's judgment on the time it would take to do what I asked.

Mr. BURNETT. With the retarded mails, I would refer the gentleman, with due respect, to the Post Office Department, but I can not say either when the decision of the consul general would get here—

Mr. MONDELL. What would be the status of the soldier in the meantime if he was captured?

Mr. BURNETT. If you conferred this judicial function upon the consul or consul general, perhaps his status would be that of a citizen. But, gentlemen, it is doubtful whether we should thus rapidly citizenize. Who is the consul general? The consul general usually performs his duty over there by a deputy, and frequently that deputy is an alien himself who would pass upon that question. I remember at Messina the deputy consul was an Italian, who never was naturalized, and he performed the duties of a consul.

Mr. SNYDER. Will you not kindly make an estimate of the time you think it would take to make a soldier who is now in France, who might be a resident of some city in Kansas, a citizen?

Mr. BURNETT. It ought not to take, Mr. Speaker, in due course of mail, more than three or four weeks. He could mail his application and affidavits, and the judge would pass upon it eo instanti, because when it got there that would be the duty of the judge, and he could pass on it in court or in chambers, as they frequently do.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS.]

Mr. LONDON. Mr. Speaker, may we have that amendment read again?

The SPEAKER. Without objection, the amendment will be again read.

The amendment was again reported.

The SPEAKER. The question is on the Rogers amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. FLOOD. Mr. Speaker, I move to amend the title of the bill.

The SPEAKER. Without objection, the title of the bill will be amended in conformity with the text.

There was no objection.

On motion of Mr. FLOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SOLDIERS AND SAILORS' CIVIL RIGHTS.

Mr. WEBB. Mr. Speaker, I desire to call up the conference report on the bill H. R. 6361, known as the soldiers and sailors' civil rights bill.

The SPEAKER. How long will it take?

Mr. WEBB. It would not take longer than for the Speaker to put it, unless some gentleman wants to ask a question.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the conference report.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The statement was read.

CONFERENCE REPORT (NO. 334).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 11, 12, 22, 23, 24, 25, 26, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 8, 9, 10, 14, 16, 17, 18, 19, 20, 21, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, and 43, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Army field clerks; field clerks, Quartermaster Corps; civilian clerks and employees on duty with the military forces detailed for service abroad in accordance with provisions of existing law"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or against a person secondarily liable under such right"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 103. Whenever pursuant to any of the provisions of this act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may in the discretion of the court likewise be granted to sureties, guarantors, indorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

"When a judgment or decree is vacated or set aside in whole or in part as provided in this act, the same may in the discretion of the court likewise be set aside and vacated as to any surety, guarantor, indorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the word "chiefly"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter stricken out and the matter inserted by said amendment, strike out the following in lines 10, 11, 12, 13, and 14, page 13: ", and in all cases where under the terms of the contract of insurance any person other than the insured has a vested interest therein the consent of such other person shall be included in such application"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In line 1, page 18, after the word "settlement," insert the words "or payment of dividend"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Before any dividend is paid or any loan or settlement is made the written consent of the Bureau of War-Risk Insurance must be obtained"; and the Senate agree to the same.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,

Managers on the part of the House.

LEE S. OVERMAN,
D. U. FLETCHER,
KNUTE NELSON,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war submit the following written statement explaining the effect of the action agreed on:

On amendments Nos. 1, 3, 16, 17, 18, 19, 20, 21, 31, 32, 33, 34, 35, 36, 37, 39, and 43, on which the House recedes: Are but changes in the verbiage and do not substantially change the meaning of the act.

On amendment No. 2: The House here recedes with an amendment. This amendment relates to those who are entitled to come

in and have the benefits of the act. The House included "field clerks who have taken the oath as members of the military forces of the United States." The Senate amended the bill by striking this out and inserting "Army field clerks; field clerks, Quartermaster Corps; civilian clerks and employees on duty with the military forces or detailed for service abroad in accordance with provisions of existing law." The amendment agreed upon in conference to the Senate amendment was to strike out the word "or," and the effect thereof is to make the act apply only to civilian clerks and employees when detailed for service abroad.

On amendment No. 4: The Senate recedes. The amendment added by the Senate was deemed surplusage.

On amendment No. 5: The House here recedes with an amendment. The Senate amendment was added to protect the rights of persons secondarily liable, including guarantors, sureties, and indorsers, in cases where relief under the terms of the act had been granted to the principal obligor. The amendment as agreed upon in conference rewrites the section 103 as added by the Senate without substantially modifying the meaning. The part of the Senate amendment which provides that "such contract or obligation shall be construed as if such payment were not due or the time for the performance of such act had not arrived" was so modified as not to provide for a change in the date when payment was due or the date when the act was to be performed, but provided for relief by a stay, postponement, or suspension of proceedings, or by the setting aside and vacating judgments or orders.

On amendment No. 6: The Senate here recedes. The effect of the Senate amendment was to require the fact to appear by affidavit that the defendant is in the military service. As agreed upon in conference, this fact may appear from any competent testimony.

On amendments Nos. 7 and 8: The House recedes as to both amendments. The effect of these amendments is to make the provisions of the act applicable where the person in military service is the plaintiff as well as where he is the defendant in any action or proceeding.

On amendment No. 9: The House recedes. As the bill passed the House relief was to be given the party in military service unless his ability to comply with the judgment or order sought was not materially affected by such service. The amendment agreed on makes the test depend upon his ability to conduct his defense.

On amendment No. 10: House here recedes. This amendment makes a verbal correction.

On amendment No. 11: The Senate recedes.

On amendment No. 12: The Senate recedes. The matter contained in this Senate amendment seemed to the conferees to be sufficiently covered by the provisions in the bill as it passed the House.

On amendment No. 13: The House recedes with an amendment by which the word "solely" is changed to "chiefly." The effect of this change is apparent.

On amendment No. 14: The House recedes. This amendment makes section 300 apply in proceedings as well as actions.

On amendment No. 15: The House recedes, with an amendment which strikes out the clause requiring the insured to file with his application for the benefits provided the consent of any person other than the insured who may have an interest in the insurance. This will leave this matter of detail to be taken care of by the rules promulgated by the Bureau of War-Risk Insurance.

On amendments Nos. 22, 23, 24, 25, and 26: The Senate recedes as to these amendments. Section 402 as passed by the House applied to contracts of insurance. The Senate amendments would make it apply to insurance where policies had been issued. The conference agreement leaves the section applicable to all contracts of insurance whether covered by policies or not.

On amendment No. 27: The House recedes. This amendment takes out of the class of policies which the Government will keep from lapsing those on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per cent of its cash surrender value.

On amendment No. 28: The Senate recedes. This amendment was made by the Senate to effect the change sought to be made to section 402 as pointed out above.

On amendments Nos. 29 and 30: The House recedes as to these. The House bill provided that where the applications were on policies aggregating more than \$5,000, whether on one or more policies or in one or more companies by a person in military service, the Bureau of War-Risk Insurance should select which of such applications should be rejected. These amendments permit the insured to indicate an order of preference, and in event he does not then it required the Bureau of War-Risk Insurance to reject the policies having the least cash

surrender value sufficient to reduce the face value of the insurance within the \$5,000.

On amendment No. 38: The House recedes. This amendment added by the Senate requires semiannual statements to be made by the insurer to the Bureau of War-Risk Insurance.

On amendment No. 40: The House recedes with an amendment. This Senate amendment provides for the Government holding the policies on which premiums have been paid by it free from liens except such as existed at the time the policy became subject to the act. The amendment added in conference prohibits the payment of dividends on the policy which may prejudice the security given the Government by the lien provided.

On amendment No. 41: The House recedes with an amendment. This Senate amendment requires the consent of the Bureau of War-Risk Insurance, in writing, before any loan or settlement is made by the insurer, and by the amendment agreed to in conference such consent must also be obtained before any dividend is paid by the insurer.

On amendment No. 42: The House recedes. This Senate amendment excepts those proceedings, remedies, privileges, stays, limitations, accountings, or other transaction from the effect which would result from the clause limiting the act to six months after the termination of the war, when authorized under any section or provision of the act, for such time as may be necessary for their exercise or enjoyment.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD.

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. WEBB. I do.

The SPEAKER. How much?

Mr. WEBB. Just for a question.

Mr. STAFFORD. Will the chairman of the committee explain in a general way what changes have been made in the bill as it originally left the House, and particularly as to amendment No. 5, covering section 103, which I believe is a substantial amendment to the bill?

Mr. WEBB. I will say, Mr. Speaker, that the bill has not been changed in any substantial degree from the way it passed the House. The Senate added 42 amendments, but most of them were verbal, and in many cases we substituted new language for their amendment.

Now, as to amendment No. 5, if the gentleman will read the substitute for it he will notice that that takes care of those secondarily liable. The Senate in its amendment arbitrarily deferred the obligation for payment on the part of the person secondarily liable, but the conferees objected to that because they felt that there were occasions when indorsers for bonding companies ought to pay the soldier's obligation if it appeared to the court that the soldier was bankrupt, and we therefore drew an amendment leaving it to the discretion of the court to determine whether the indorser or bonding company should immediately pay the obligation of the soldier.

Mr. STAFFORD. Is there any substantial change as to insurance companies?

Mr. WEBB. No; excepting that we add that no dividends should be paid to the soldier without consent of the Government; in fact, that the dividend should be paid to the Government after the policy is transferred to the Government.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

CIVIL-SERVICE EXAMINATIONS.

Mr. KITCHIN. Mr. Speaker, to facilitate the passage of this joint resolution rather than make a motion to suspend the rules and pass it, I would ask for unanimous consent for the immediate consideration of Senate joint resolution 117, relative to the holding of civil-service examinations.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of Senate joint resolution 117, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 117) amending the act of July 2, 1909, governing the holding of civil-service examinations.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of July 2, 1909 (36 Stat. L., 1), is hereby amended so as to permit the United States Civil Service Commission, during the period of the war, to hold examinations of applicants for positions in the Government service in the District of Columbia, and to permit applicants from the several States and Territories of the United States to take said examinations in the said District of Columbia. Said examinations shall be permitted in addition to those required to be held by said act of July 2, 1909 (36 Stat. L., 1).

With the following committee amendments:

Page 1, line 6, insert, after the word "the," the word "present."
Line 10, after the word "Columbia," insert "and elsewhere in the United States where examinations are usually held."
Page 2, at end of line 4, add:
"Provided, That nothing herein shall be so construed as to abridge the existing law of apportionment."

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, is this the bill that was formerly submitted by the gentleman from North Carolina [Mr. GODWIN] for consideration?

Mr. KITCHIN. Yes, sir.

Mr. STAFFORD. I believe when it was under consideration before that he had no objection to certain amendments that were suggested at that time. I believe they were suggested by the gentleman from Illinois [Mr. FOSTER]. Can the Chair inform the House what the calendar is of this bill?

The SPEAKER. House Calendar 86.

Mr. KITCHIN. I will say to the gentleman from Wisconsin that the gentleman from Illinois [Mr. FOSTER] does not insist on the amendment now. He is of the opinion, as are other gentlemen who have made the same objection to it, that the resolution covers the objection. The amendment of the committee covers it.

Mr. FOSTER. I am satisfied, after looking into the matter, that it does cover it, and that it will not go back beyond the 12 months' time, so that I see no necessity for putting that amendment in.

Mr. KITCHIN. Each one of those who made the objection, including the gentleman from Iowa [Mr. DOWELL], have looked into it and have withdrawn their objections.

Mr. STAFFORD. The gentleman from Pennsylvania [Mr. ROBBINS] desired to offer an amendment to this resolution when it was considered. He was in the Chamber a few minutes ago. He desires to offer an amendment to the following effect: At the end of the proviso on page 2, to change the requirements of the existing law as to legal residence and domicile of such applicant.

Mr. KITCHIN. That is absolutely unnecessary. I looked up the law myself. This resolution does not change the law as to residence and domicile of applicants. It simply gives the qualified applicant the privilege of taking the examination in the District of Columbia or elsewhere when an examination is held, if he be temporarily absent from the State of his residence and domicile, without compelling him to return to his State to take the examination, as the law now requires. Mr. McIlhenny, the chairman of the Civil Service Commission, is emphatic in the opinion that this resolution does not change any of the requirements as to residence and domicile; that an applicant, if this resolution is passed, must have the same identical qualifications that he must now have under the law.

Mr. STAFFORD. The gentleman from Pennsylvania [Mr. ROBBINS] stated that he had taken this matter up with the Civil Service Commission and had also given considerable study to the law itself, and he was of the opinion that this amendment should be incorporated. I can not see where any harm can be done by incorporating it.

Mr. KITCHIN. We would like this to be a law at the earliest possible moment.

Mr. STAFFORD. I do not desire to delay.

Mr. KITCHIN. I will assure the gentleman that the gentleman from Pennsylvania [Mr. ROBBINS] is mistaken in his construction, and that his proposed amendment is unnecessary; that the resolution itself as it is accomplishes what he wishes. If he were here, I think I could convince him. The plain language is to permit the applicant, who must be a qualified applicant under existing law, to take the examination in the District or State where he is temporarily, instead of requiring him to go back to his home State. For instance, in Wisconsin—

Mr. STAFFORD. Will not the gentleman kindly defer consideration of this measure until the gentleman from Pennsylvania comes into the Chamber?

Mr. KITCHIN. We have postponed this a half a dozen times until some gentleman or other came in.

Mr. STAFFORD. I would even be willing to have an order made to consider it to-morrow under a suspension of the rules.

Mr. KITCHIN. The gentleman by a reading of it will see that this resolution needs no amendment to prevent what the gentleman from Pennsylvania fears.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. I will.

Mr. FESS. In conversation with the man who has charge of the allotments from the Civil Service Commission in the

Ordinance Department I was told that the present practice was very hurtful and quite inconvenient, and without this bill under the present regulations people would be sent back, and that it would be very hurtful. He urged that it be passed.

Mr. KITCHIN. I am glad the gentleman called the attention of the House to the necessity of early passage of the resolution. A member of the War Trade Board has been to see me not less than three times urging it. Mr. McIlhenny, chairman of the Civil Service Commission, and Mr. Gans, a member of the War Trade Board, came down four or five days ago to see the gentleman from Massachusetts [Mr. GILLET] and myself. I will say that the gentleman from Massachusetts [Mr. GILLET], who has just stepped out, favors the bill, and both of us were convinced that the resolution should not be delayed longer. Here is what this will remedy—

Mr. STAFFORD. I understand the whole purpose of the bill, but I have not given as much thought to the amendments as the gentleman from Pennsylvania [Mr. ROBBINS] has, and in his absence I am acting in his stead.

Mr. KITCHIN. If the gentleman will permit me, he will remember that before our holiday recess the gentleman from Oklahoma [Mr. CARTER], member of the Committee on Reform in the Civil Service, attempted to get this bill or a similar bill without the present amendments up by unanimous consent. I objected, because I thought it ought to be amended. It came over from the Senate. The Committee on Reform in the Civil Service, as I recollect, had reported the bill or resolution without amendment.

Mr. STAFFORD. I think the gentleman is in error. The bill was not reported until the middle of January.

Mr. KITCHIN. Oh, no; I am not mistaken as to what took place with regard to this or a similar bill unamended.

Mr. STAFFORD. Oh, yes.

Mr. KITCHIN. Such a bill or resolution came over from the Senate just before we adjourned for Christmas, and it was sought to take it up in the House.

Mr. STAFFORD. It never came into this House until January 4.

Mr. KITCHIN. Evidently since the holidays another bill or resolution was introduced and sent over here. The gentleman from Oklahoma the day we adjourned or the day before asked that the bill or a similar bill without the present amendments be considered. The gentleman from Oklahoma [Mr. CARTER] will recall that.

Mr. CARTER of Oklahoma. Yes; that is true.

Mr. KITCHIN. The gentleman from Oklahoma came to me with some kind of a bill or joint resolution to amend the civil-service act so that parties could take their examinations here instead of going back home, and I objected to it because the amendments now in the resolution were not in it.

Mr. CARTER of Oklahoma. Yes.

Mr. CAMPBELL of Kansas. How much time will this bill take if unanimous consent is granted?

Mr. KITCHIN. Oh, it is just a page and a half long.

Mr. CAMPBELL of Kansas. Will it provoke discussion?

Mr. KITCHIN. We are discussing it now, and as soon as we get unanimous consent it will pass, I hope, without any further discussion.

Mr. MONDELL. Mr. Speaker, reserving the right to object—and I shall not object—I do, however, want to call attention to the condition of affairs that renders this sort of legislation seemingly necessary. It seems that there are a large number of people here from the various States of the Union, who, it is to be assumed, came here with the understanding that they were to obtain positions in the Government departments. A large number of them are now holding temporary positions. Who brought these people here? Where did they come from? On whose invitation did they come here? Did any gentleman on the Republican side suggest to any constituent that there was a chance of securing a job, however insignificant or temporary, without passing a civil service examination? I imagine not. These folks came here, did they not, on the invitation of gentlemen on the Democratic side? "Yes, come on," we can imagine the gentlemen on the Democratic side saying to their inquiring constituents, "there are opportunities galore, plenty of jobs for deserving Democrats. Come ye all; come ye all. Come to Washington. Your Uncle Sam will give you a good job instant on the recommendation of a Democratic Congressman or Senator." And they are here in large numbers; good folks, no doubt, well intentioned probably. It is not their fault that they have been brought here without an understanding of the situation as a part of the patronage of Democratic Congressmen and Senators; but that every one of them is a deserving Democrat, or a Democrat who claims to be deserving, there is no manner or sort of

doubt. What we on this side are asked to do is to give an opportunity to Democrats who have been brought from hither and yon, invited here by their Congressmen or their Senators, and given temporary employment to fill up the Government service—we are now asked to give these people an opportunity to take the civil service examinations in order that they may become permanently attached to the Federal crib. Well, I think probably some of them at least are needed, and it is hardly fair to compel them to go back home to take the examinations. We will try and overlook the fact that probably few, if any, of our political faith will be aided or affected by the legislation. I can say that with knowledge, so far as I am personally concerned. And yet I am very glad to have this done. In fact I think it is necessary and important under the circumstances that it should be done.

Mr. COX. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COX. There are two from my district and both are Republicans.

Mr. MONDELL. What Democratic Congressman invited them here?

Mr. COX. I did not do it. [Laughter.]

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, the gentleman from Pennsylvania [Mr. ROBBINS] is on his way here from his office. Will not the gentleman defer the case for a few minutes?

Mr. MADDEN. The regular order!

The SPEAKER. Is there objection?

Mr. STAFFORD. If that reasonable request can not be granted, I will object.

Mr. KITCHIN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution as amended by the House Committee on Reform in the Civil Service.

The SPEAKER. The Clerk will report the bill with the amendment.

The Clerk read as follows:

Joint resolution (S. J. Res. 117) amending the act of July 2, 1909, governing the holding of civil-service examinations.

Resolved, etc., That the act of July 2, 1909 (36 Stat. L. 1), is hereby amended so as to permit the United States Civil Service Commission, during the period of the present war, to hold examinations of applicants for positions in the Government service in the District of Columbia, and to permit applicants from the several States and Territories of the United States to take said examinations in the said District of Columbia and elsewhere in the United States where examinations are usually held. Said examinations shall be permitted in addition to those required to be held by said act of July 2, 1909 (36 Stat. L. 1): *Provided*, That nothing herein shall be so construed as to abridge the existing law of apportionment.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects, and the Chair appoints as tellers the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from North Carolina [Mr. KITCHIN] to act as tellers.

The committee divided; and there were 102 ayes and 3 noes.

The SPEAKER. The gentleman from North Carolina is entitled to 20 minutes and the gentleman from Wisconsin to 20 minutes.

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Speaker, the purpose of this bill is to enable those who wish to enter the Government employment who come here to take the civil-service examination. The present law requires them to take the examination in the district in which they reside. This bill proposes to permit them to take it in Washington City or elsewhere, wherever they happen to be.

Now, there is, I think, an amendment that ought to go in the bill in order to protect the various districts against an unfair assignment of civil-service employees against them. For instance, if a man has lived in Washington 25 or 30 years, held a Government position, raised a family, and that man still continues to go back in presidential years to his district to vote, he is a resident of that district, and under the civil-service law he is charged against that district. The children that have grown up in his family, if this bill is passed, can take an examination in Washington City, take a Government position under the civil-service law, and yet be assigned or charged

against the district of the parent's residence, although they have never lived a day therein.

I am speaking of a concrete example that occurred in my own district. I know a man that has not been in my district except on presidential-election days, and not always then, who holds office in Washington, enjoys a large salary, and is charged against my district. His family, if this bill passes, will be entitled to take Government service, be examined here in Washington City by the Civil Service Commission, and be charged up against my district, to the exclusion of bona fide residents there who should be charged against it, and no others should be so charged.

Mr. MADDEN. Will the gentleman yield?

Mr. ROBBINS. I would like to finish my statement.

Mr. MADDEN. I want to ask a question right here. Does not this bill provide that whoever takes the civil-service examination in this bill within the District of Columbia shall be charged to the District of Columbia?

Mr. ROBBINS. No; it provides on page 2, line 4:

Provided, That nothing herein shall be so construed as to abridge the existing law of apportionment.

The purpose of that amendment was to cover the cases where the people had lived all their lives in the District that they should be charged back to their district from which their parents came.

Now, I propose an amendment to be added to the proviso after the end of line 5, in these words: "Or change the requirements of the existing law as to legal residence and domicile of such applicant."

Not only is the man who applies in the District of Columbia to be resident of some district, if he is to be charged against his home district, but he ought to have a domicile in that district if he is to be charged up against it. In other words, the concrete example which I have in mind, which confronts every Member of the House, is that the men who are living in the District of Columbia, have been born and raised here, or have lived here so long that they are not attached to any district and do not vote in any congressional district, ought to be charged to the District of Columbia and not to the respective districts from which their parents came.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. BORLAND. If these Government clerks are so underpaid and badly treated as they claim to be, why does anyone want to come from any district, why should it be any attraction to anyone?

Mr. ROBBINS. Oh, that is foreign to what I am trying to discuss. The gentleman enjoys a monopoly upon that theme, and I shall not invade his province.

Mr. BORLAND. I want to know why the gentleman is insisting upon this as a right.

Mr. GILLET. Mr. Speaker, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. GILLET. Why does the gentleman favor having other men from his district come down here and become practically aliens from the district and be charged up against the district, rather than to have the children of those who are here. I should think the gentleman would rather keep people at home.

Mr. ROBBINS. I would.

The SPEAKER pro tempore (Mr. CALDWELL). The time of the gentleman from Pennsylvania has expired.

Mr. ROBBINS. I will ask the gentleman from Wisconsin to grant me five minutes more.

Mr. STAFFORD. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. ROBBINS. What I want to do is this. Take the case of a man who comes here and wishes to enter the Government service. If he wants to take the examination outside of his district, he must not only have a residence in the district but he must be domiciled there also. Then he can be charged up against the district. That is a fair requirement. If these offices are to be filled up and apportioned to the various congressional districts of the Nation, and that is right, then the men who are charged against our districts should be residents of our districts; but that is not enough, because the man that I speak of has a residence in my district, but is not domiciled there. He comes back there every presidential election, and parades up and down, and claims that he carries that district in his pocket, and yet at the same time he is not domiciled there. I want the children of this man, or any other resident who comes here to Washington and who is to be charged against my district and against your district, not only to be a resident of my district or your district but to have a domicile there also. This amendment merely provides for that thing, that they shall

not only be residents, but must be domiciled there. I do not happen to have the civil-service act before me, but I have read it in connection with this proposed law, and I want to make that specific provision very clear, and that is the object of this amendment. It does not change the purpose of the bill, but does clinch that fact.

Mr. STEVENSON. I have a great many stenographers who have come up here at the solicitation of the departments, who now have to take civil-service examinations before they can continue permanently in the departments. To return to take the examination would involve a thousand miles of travel. Would the gentleman's amendment affect them?

Mr. ROBBINS. Oh, no. Those people have a residence in the gentleman's district, and a domicile there as well. This amendment strikes only at people who live here in the city of Washington, who have lived here for years, who are the sons of people who have come on from some district or from my district and are charged against those districts, but who have no domicile in the gentleman's district or in mine. I do not think it is right that they should be charged against our districts. The people the gentleman speaks of have a residence and a domicile in his district, and it is proper that they should be charged against the gentleman's district. They must be charged some place.

Mr. LUFKIN. Does the gentleman contend that the children of his constituent who has lived here for 25 years and who has maintained a voting residence back in the district, can go back there and take the civil-service examination as residents of his district?

Mr. ROBBINS. They can not go back there certainly. They have no other residence, but they have no domicile there which the law requires.

Mr. LUFKIN. They must have a domicile there under existing law.

Mr. ROBBINS. Then, they can not go back there.

Mr. LUFKIN. Then, they have to take the examination here, and they must be charged here.

Mr. ROBBINS. That is it exactly.

Mr. LUFKIN. Then, this bill does not change it in the least.

Mr. ROBBINS. Yes, it does. This amendment I propose prevents them being charged against my district, but they can be charged against the District of Columbia where they have a domicile as well as a residence.

Mr. LUFKIN. There is an amendment proposed here:

Provided, That nothing herein shall be so construed as to abridge the existing law of apportionment.

Mr. ROBBINS. That is all right as to apportionment, but I want to go further and have this amendment:

That it shall not change the requirements of existing law as to the local residence and domicile of such applicants.

I want "domicile" put in there, because I consider that is an important fact in determining the districts against which applicants shall be charged.

Mr. FESS. Will the gentleman yield?

Mr. ROBBINS. I will.

Mr. FESS. Would the amendment of the gentleman preclude the appointment of anybody who is domiciled here and has no domicile elsewhere?

Mr. ROBBINS. Not at all. They will be appointed from the District of Columbia. It only provides that a man who has a domicile here and a residence here and was born here must be appointed and charged to this district and not to the district from whence his father came and where his father maintains the right to vote.

Mr. CARTER of Oklahoma. What the gentleman's amendment does is to substitute in the civil-service law the word "domicile" for the word "residence."

Mr. ROBBINS. No; I retain both.

Mr. CARTER of Oklahoma. The gentleman adds the word "domicile."

Mr. ROBBINS. That is the idea. I simply add "domicile" to the word "residence," so that he must be charged to the district where he is both domiciled and resident; having a domicile in the District of Columbia, he must be charged here to the district.

Mr. KEARNS. Will the gentleman yield?

Mr. ROBBINS. Certainly.

Mr. KEARNS. Take a case where a man comes here from, say, Indiana and who has a position here as a clerk in one of the departments. He and his family have moved here, and he is living here with his family, although he is credited to some district in Indiana—

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. Does the gentleman desire more time?

Mr. ROBBINS. Two minutes more.

Mr. STAFFORD. I yield the gentleman five minutes additional.

Mr. KEARNS. Suppose one of his children would want to take an examination, and passes a successful examination, and be appointed, would he be credited to the same district?

Mr. ROBBINS. He would have to have a domicile in Indiana, otherwise he would be credited to the District of Columbia.

Mr. KEARNS. Suppose this boy wanted to go back to his father's old home or his voting district and vote. Would that estop the boy from voting?

Mr. ROBBINS. No; that does not affect any qualifications for voting. This is not a voting law, this is a civil-service law with reference to the apportionment of the various persons who wish to enter the civil service from the various States.

Mr. KEARNS. I think that is a very important matter.

Mr. ROBBINS. But it does not affect that. Your voting qualification is fixed in the constitution of your State, and nothing Congress could do would in any way impair or curtail or limit that.

Mr. KEARNS. Suppose I certified my domicile and perhaps my residence is here in the District of Columbia?

Mr. ROBBINS. You would have to get your appointment where your domicile and residence are under this bill.

Mr. KEARNS. This boy I was talking about, his domicile would be here if he was credited to the District of Columbia?

Mr. ROBBINS. He would have to get his appointment here.

Mr. KEARNS. Even when he goes to vote in Indiana—

Mr. ROBBINS. That does not affect it. Residence is a question of intention.

Mr. ROSE. Will the gentleman yield?

Mr. ROBBINS. I will.

Mr. ROSE. I presume then there are clerks in the employ of the United States Government who have never seen the district from which they are credited for 40 years under the gentleman's statement?

Mr. ROBBINS. Why, there are some of them, I suppose, but I have only this concrete example in mind, because it is unfair to my district, and the working out of this proposition was very unfair in that it filled up the quota of my district with appointments from the District of Columbia to the exclusion of bona fide residents of my district who deserve these places, and that is the reason why I cling so tenaciously to the amendment, which I think should be put in the bill now.

Mr. COOPER of Wisconsin. Will the gentleman from Pennsylvania permit me to read what is the legal definition of "resident" and "domicile"?

Mr. ROBBINS. I yield.

Mr. COOPER of Wisconsin. I think there has been some contradiction here in the distinction given to the words "domicile" and "residence," respectively, and I invite the attention of the gentleman and the membership of the House to what Bouvier says, in his law dictionary, in defining "residence" and "domicile."

Residence indicates permanency of occupation as distinguished from lodging, or boarding, or temporary occupation, but does not include so much as domicile which requires an intention continued with residence.

Mr. ROBBINS. That is true.

Mr. COOPER of Wisconsin. I understood the gentleman to say that the resident was not a man living in a place, but who intends making the place his home. I notice in Bouvier's definition of domicile, he says:

Domicile is that place where a man has true, fixed, and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning.

He also says:

Two things must concur to establish domicile—the fact of residence and the intention of remaining. These two must exist or must have existed in combination.

Mr. ROBBINS. There is no quarrel with that law.

Mr. COOPER of Wisconsin. How does that agree with the gentleman's amendment?

Mr. ROBBINS. Perfectly, because the amendment only means that a man must have a domicile and residence. He can swear that it is his intention to maintain his residence in Pennsylvania if he works in Washington. This is a temporary place, although he lives here. He can go back there if he is in the Government service. He does not vote here. A residence in Washington does not preclude the elector from exercising his electoral franchise. But domicile is a fact. That is the place where he actually lives and maintains his abode.

Mr. COOPER of Wisconsin. I understand the gentleman to say that the children who are here must have, for instance, a home in your district, to which they must return.

Mr. ROBBINS. If they are to be charged by the Civil Service Commission as coming from my district. It would be mar-

festly unfair for those who have their domicile or abode here, but never go to my district to be appointed under the civil-service law as coming from and residing in my district. This amendment makes the law clear and specific as to what Congress intends to do, and I hope the amendment may be adopted.

The SPEAKER. The gentleman can not amend this except by unanimous consent.

Mr. KITCHIN. Mr. Speaker, I think the gentleman from Pennsylvania—

The SPEAKER. Who has the floor?

Mr. KITCHIN. I have taken it. I think the gentleman from Pennsylvania misconstrues the language of this resolution.

I am for exactly the same thing that the gentleman from Pennsylvania [Mr. ROBBINS] is for, and I would not be in favor of the resolution at all unless it safeguarded the objects he wishes to accomplish. I have no serious objection to his amendment, because it in no way affects the resolution, as it would mean the same thing without as with his amendment. If he would read this resolution, he would find his amendment does not add to it at all. The only thing—as I explained before the gentleman came in—that this resolution does is just simply to provide that a qualified applicant, who must be qualified under the act of 1909 as to residence and domicile, can take the examination in the District of Columbia or any State in which he happens to be without being required to return to his own State in which to take the examination. No right of apportionment under the present law is abridged, according to the expressed provision of the resolution. The qualification of an applicant, so far as his residence and domicile are concerned, remains by the resolution as it is under existing law. He must be both a resident and domiciliary of the State to which he is charged for the 12 months next preceding the date of the examination. Now, this act does not take away from any qualification of the applicant. He must still be a resident and still be a domiciliary of the State to which he is credited for the 12 months next preceding the date of the examination.

And the only thing this does is to permit that qualified applicant, say, of Wisconsin, who has been a domiciliary and actual resident of that State for the 12 months next preceding the date of examination, if he is here, temporarily absent in the district or in another State, to take the examination in the District or such State instead of being required to go back to Wisconsin and take the examination there. But he will be charged or credited to Wisconsin. If he takes it here in the District, he is charged up to Wisconsin and not to the District of Columbia. However, if that applicant had remained here in the District for 12 months, then he would be charged or apportioned to the District. The gentleman from Pennsylvania [Mr. ROBBINS] is clearly mistaken in assuming that under this resolution an applicant who, coming here, say, from Wisconsin years ago, could take the examination here and be charged to Wisconsin. If he had been here for the 12 months preceding the examination, he would be charged to the District. Therefore, what the gentleman fears could not take place, but if he is serious, and I think he is, in wanting to doubly and specifically safeguard the situation which he fears, I do not object to his amendment, and will therefore ask unanimous consent to let him put that amendment in.

Mr. GILLET. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. GILLET. Are you sure that this amendment accomplishes just what he intends? I am not certain as to that.

Mr. ROBBINS. That is the whole purpose I want to reach. I submitted this amendment over the telephone to the Civil Service Commission, because it struck me right away that the danger that we saw in this act was one that was really serious to the apportionment under the Civil Service Commission.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent, if the gentleman will yield, to have the suggested amendment read for information.

Mr. KITCHIN. I will read it in my time.

The SPEAKER. Without objection, the statement will be read.

Mr. KITCHIN. After the proviso in the resolution add the words "or change the requirements of existing law as to legal residence and domicile of such applicant."

As the gentleman from Oklahoma [Mr. CARTER] knows, I at first made the same objection to the original bill presented before the hearing. After the Committee on Reform in the Civil Service had put in the present amendments I was convinced that the resolution was all right and was not open to the objections made.

Mr. CARTER of Oklahoma. I will say that the gentleman from North Carolina made practically the same suggestion to me about the resolution prior to the holidays.

Mr. KITCHIN. It makes it all right. Here is what Mr. McIlhenny writes:

Special attention is invited to the fact that the resolution merely proposes to amend that part of the act of July 2, 1909, which requires a person to be examined in the place where he has established his residence, and the other part of the act is to remain in full force and effect which requires that, before a person can be examined anywhere, he must establish actual domicile in the place of his residence.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. JOHNSON of Kentucky. The gentleman from North Carolina and the gentleman from Wisconsin had some discussion as to the meaning of the word "residence" and of the word "domicile." A gentleman sitting near has given a definition of "domicile" which I think is quite pertinent. A domicile "from" is the place from which he is home, and when "to" he is said to be "to home." [Laughter.]

Mr. ROBBINS. I was starting out a moment ago, Mr. Speaker, to state that I had read this over the telephone to the Civil Service Commission. I would not, of course, offer an amendment to a bill affecting that commission without consulting them. But Mr. McIlhenny thought it was already sufficient. After discussing it, he said he thought it would do no harm, because it simply amplified what it should be.

Mr. KITCHIN. To make doubly sure and to facilitate the passage of the resolution I ask unanimous consent, Mr. Speaker, that the gentleman's amendment may go in after the word "apportionment" on the second page.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the amendment be inserted at the proper place. Is there objection?

There was no objection.

Mr. KITCHIN. Now, Mr. Speaker, I move to suspend the rules and pass the resolution as amended.

The SPEAKER. The question is on suspending the rules and passing the resolution embodying the amendments.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the Senate joint resolution was passed.

On motion of Mr. KITCHIN, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. LEHLBACH, by unanimous consent (at the request of Mr. BROWNING), was granted leave of absence indefinitely, on account of death in his family.

CUTTING TIMBER ON COCONINO AND TUSAYAN NATIONAL FORESTS, ARIZ.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to recur to No. 59 on the Unanimous Consent Calendar, H. R. 273. Objection was made before to the consideration of that bill. I now ask that Senate bill 389, an identical bill on the Speaker's table, be considered in lieu of this bill.

The SPEAKER. The gentleman asks what?

Mr. HAYDEN. To return to No. 59 on the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Arizona asks unanimous consent to return to No. 59 on the Unanimous Consent Calendar, House bill 273. Is there objection?

Mr. COOPER of Wisconsin rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER of Wisconsin. I do not like to consent to take up a bill that I know nothing about. I shall object to consideration. Can not that go over two weeks just as well as not?

Mr. HAYDEN. I ask unanimous consent, Mr. Speaker, that the bill remain on the calendar as it was; that the bill retain its place on the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Arizona asks unanimous consent that the House bill 273 retain its place on the Unanimous Consent Calendar and go over without prejudice. Is there objection?

Mr. FOSTER. At the foot of the calendar.

Mr. FORDNEY. Do not do that. Let it take its place.

Mr. COOPER of Wisconsin. I reserve the right to object, unless the Senate bill is different from the House bill.

Mr. HAYDEN. I want the House bill to retain its place on the calendar. Objection was made to it some time ago. I will offer the Senate bill two weeks from to-day.

Mr. FOSTER. Mr. Speaker, I think it ought to go to the foot of the calendar.

The SPEAKER. The gentleman from Illinois objects unless it goes to the foot of the calendar. Is there objection with that condition?

There was no objection?

LEAVE TO EXTEND REMARKS.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks on H. R. 9159.

Mr. GILLET. What bill is that?

Mr. SABATH. The naturalization bill which we passed a little while ago.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS FOX RIVER, ILL.

Mr. CAMPBELL of Kansas. Mr. Speaker, on the Unanimous Consent Calendar the next bill is H. R. 7998. I ask unanimous consent for its immediate consideration.

The SPEAKER. Is it on the calendar?

Mr. CAMPBELL of Kansas. It is on the calendar, the next bill.

Mr. KITCHIN. What is it, a bridge bill?

Mr. CAMPBELL of Kansas. A little bridge bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill (H. R. 7998) granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the village of East Dundee and the village of West Dundee, in the county of Kane, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River from Main Street in East Dundee to Main Street in West Dundee, in the county of Kane, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. CAMPBELL of Kansas, a motion to reconsider the last vote was laid on the table.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is not.

ADJOURNMENT.

Mr. KITCHIN. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 5, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 10225) striking from the pension roll the name of Jennie M. Heath, reported the same without amendment, accompanied by a report (No. 354), which said bill and report were referred to the Private Calendar.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 925) for the relief of Thomas J. Rose, reported the same without amendment, accompanied by a report (No. 356), which said bill and report were referred to the Private Calendar.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LINTHICUM, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 10243) to supplement existing legislation relative to the United States Court for China and to increase the serviceability thereof, reported the same with amendment, accompanied by a report (No. 355), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 10431) to define necessary skilled labor engaged in necessary agricultural enterprise for

the purposes of the selective draft, and to authorize the Secretary of War to grant furloughs with or without pay and allowances to enlisted men of the Army of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. LENROOT: A bill (H. R. 10432) to abolish the office of receiver of public moneys at Wausau, Wis., and for other purposes; to the Committee on the Public Lands.

By Mr. CANTRILL: A bill (H. R. 10433) to authorize the city of Winchester, Ky., to divert water from the pool in the Kentucky River formed by Lock and Dam No. 10; to the Committee on Interstate and Foreign Commerce.

By Mr. MONTAGUE: A bill (H. R. 10434) to release certain fixtures in building on post-office site at Richmond, Va., inadvertently embraced in condemnation; to the Committee on Public Buildings and Grounds.

By Mr. McFADDEN: A bill (H. R. 10435) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 10436) to provide for the survey of any unsurveyed school lands in the State of Florida; to the Committee on the Public Lands.

By Mr. LUFKIN: Resolution (H. Res. 264) directing the Secretary of the Navy to send to the House of Representatives facts and papers relating to the alleged unseaworthiness of the U. S. naval tug *Cherokee*; to the Committee on Naval Affairs.

By Mr. CLARK of Florida: Resolution (H. Res. 265) providing for immediate consideration of H. R. 10265; to the Committee on Rules.

By Mr. LONDON: Joint resolution (H. J. Res. 256) protesting against the suggested invasion of Russian territory; to the Committee on Foreign Affairs.

By Mr. DENT: Joint resolution (H. J. Res. 257) providing for the registration for military service of the subjects or citizens residing in the United States of a foreign country with whose Government the United States has concluded or hereafter concludes a convention or agreement consenting to such aliens being drafted into the military forces of the United States under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and all amendments thereto; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 10437) granting a pension to John R. Batty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10438) granting an increase of pension to Chester Coon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10439) granting an increase of pension to Allen C. Harris; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 10440) granting an increase of pension to John M. Sherrard; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 10441) granting an increase of pension to William T. Eager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10442) granting an increase of pension to Aaron Hall; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 10443) granting a pension to Mrs. Frank Schultz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10444) granting a pension to Frank Behan; to the Committee on Pensions.

Also, a bill (H. R. 10445) granting an increase of pension to John Stephan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10446) granting an increase of pension to C. M. Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10447) granting an increase of pension to John F. Bromm; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 10448) for the relief of the estate of William Booth, deceased; to the Committee on War Claims.

By Mr. HOLLINGSWORTH: A bill (H. R. 10449) granting a pension to William S. Kiddy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10450) granting a pension to John Vandyne, alias John Vandile; to the Committee on Pensions.

Also, a bill (H. R. 10451) granting an increase of pension to Andrew J. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10452) granting an increase of pension to Joseph Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10453) granting an increase of pension to Dallas Runyon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10454) granting an increase of pension to Irwin Jordan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10455) granting an increase of pension to Caroline Stroble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10456) granting an increase of pension to William Ira Britton; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 10457) granting an increase of pension to John H. Davidson; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 10458) granting a pension to Nina L. Beaumont; to the Committee on Invalid Pensions.

By Mr. MCCLINTIC: A bill (H. R. 10459) granting a pension to Jean N. Roach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10460) granting an increase of pension to John H. Allen; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 10461) granting a pension to Mary Ett; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 10462) granting a pension to Annie White; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 10463) granting a pension to Thomas G. Aldreg; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 10464) granting an increase of pension to Henrietta Schmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10465) granting an increase of pension to Henry Weitzel; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10466) granting an increase of pension to John H. Shaver; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 10467) granting an increase of pension to James C. Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of Harrington Emerson, urging the repeal of the zone system for second-class postage; to the Committee on Ways and Means.

By Mr. DALE of Vermont: Petitions of Edward J. White, of Barton, No. 1; William E. Woodcock, of Corinth, No. 1; Bert J. Jenness, of Barton, No. 2; A. J. McLellan, of Greensboro, No. 1; Lowell Frank Hammond, of Ludlow, No. 2; Warren E. Carpenter, of Groton, No. 4; John N. Taggart, of Randolph Center, No. 3; Ralph Fifield, of Thetford Center, No. 1; Edward E. Munn, of Bradford, No. 1; Guy R. Gawin, of North Craftsbury, No. 1; Herbert W. Dutton, of Springfield, No. 1; George A. Ballou, of Tunbridge, No. 2; Patrick F. O'Connor, of Putney, No. 3; Harold H. Fulton, of Strafford, No. 1; Ernest H. Carpenter, of Wilmington, No. 1; Rufus M. Farrand, of Hardwick, No. 1; Frank A. Johnson, of Brattleboro, No. 3; William Rush, of Derby, No. 2; William J. Kidder, of Derby, No. 1; Hugh F. Copeland, of Reading; Corydon O. Chamberlin, of Brattleboro, No. 5; Abner P. Eddy, of West Brattleboro, No. 2; Bion F. Humphrey, of East Burke, No. 1; George B. Bush, of Newfane, No. 1; Alfred C. Hooker, of Hardwick, No. 2; J. C. Carpenter, of Irasburg, No. 2; Bert H. Townsend, of Plainfield, No. 1; A. N. Flood, of Plainfield, No. 2; Truman H. Bartlett, of Plainfield, No. 3; A. Louis Taft, of Ludlow, No. 1; Leon A. Ross, of Sheffield, No. 1; Frank M. Carley, of South Londonderry, No. 3; Earl Taylor, of Marlboro, No. 1; Frank A. Blake, of Northfield, No. 3, rural-delivery carriers, all of Vermont, praying for substantial allowance to help meet the cost of upkeep of equipment necessary for a proper and satisfactory service, additional pay for mileage in excess of the standard length of 24 miles as fixed by law, and a reasonable allowance for carriers who are required to carry pouch mail to intermediate post offices or for intersecting loop routes to save the cost of star-route service; to the Committee on the Post Office and Post Roads.

By Mr. DILL: Petition of the city council of the city of Spokane, Wash., urging the passage of certain water-power legislation; to the Committee on Water Power.

By Mr. GALLIVAN: Resolution of the New York Zoological Society, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. HAMILTON of New York: Affidavits to accompany H. R. 10411, granting an increase of pension to Thomas McKay; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Four affidavits in support of H. R. 10455, granting an increase of pension to Caroline Stroble; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10456, granting a pension to William Ira Britton; to the Committee on Invalid Pensions.

Also, affidavits of witnesses in support of H. R. 10450, granting a pension to John Vandyne, alias John Vandile; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10454, to grant an increase of pension to Irwin Jordan; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10453, granting an increase of pension to Dallas Runyon; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10452, granting an increase of pension to Joseph Morrison; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10451, granting an increase of pension to Andrew J. Martin; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10449, granting a pension to William S. Kiddy; to the Committee on Invalid Pensions.

By Mr. MERRITT: Papers to accompany H. R. 10461, granting an increase of pension to Mary Ett; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: Petition of the citizens of South Kingstown, urging the passage of the bill to provide a Pharmaceutical Corps in the Medical Department; to the Committee on Military Affairs.

Also, petition of the American Silk Spinning Co., Providence, R. I., protesting against the passage of a bill to eliminate coal jobbers; to the Committee on Agriculture.

By Mr. ROGERS: Papers to accompany House bill 10419, granting a pension to Arthur Garland; to the Committee on Pensions.

By Mr. SCHALL: Resolution of the Minneapolis City Council, requesting Congress to grant to the President of the United States broad power to fix prices of all foods and other products essential to the conduct of the war; to the Committee on Agriculture.

By Mr. YOUNG of North Dakota: Resolutions of the War Emergency Board of American Plant Pathologists, indorsing efforts to eradicate the common barberry; to the Committee on Agriculture.

Also, resolutions of the North Dakota Dairymen's Association, regarding dairying interests; to the Committee on Agriculture.

Also, a petition of C. A. Ryder and 14 others, of Pettibone, N. Dak., urging the passage of the Baer seed and feed bill; to the Committee on Agriculture.

Also, resolutions adopted by extension department of North Dakota Agricultural College, urging modification of wheat grades at country elevators; to the Committee on Agriculture.

SENATE.

TUESDAY, March 5, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the light. In Thee there is no darkness at all. We thank Thee for coming out of the shadows and revealing more and more of Thy will and of Thy nature to man. We thank thee for leading on men and nations in the fulfillment of a divine plan, and that Thy purpose is seen more and more clearly day by day. Thou art shaking the nations that the desirable things may come, and that the things may remain which can not be shaken. We bless God for the coming of His kingdom. We pray Thee to hasten the day for His final victory in all the earth. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Saturday, March 2, 1918, was read and approved.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

THE PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Norris	Smith, S. C.
Brandegee	Johnson, S. Dak.	Nugent	Smoot
Caldier	Jones, N. Mex.	Overman	Sterling
Colt	Jones, Wash.	Page	Sutherland
Culberson	Kenyon	Pointdexter	Swanson
Fernald	Kirby	Pomerene	Tillman
Fletcher	Lewis	Robinson	Townsend
France	Lodge	Saulsbury	Trammell
Gronna	McCumber	Shafroth	Vardaman
Hale	McKellar	Sheppard	Walsh
Harding	McLean	Simmons	Warren
Henderson	McNary	Smith, Ga.	Watson
Hollis	Nelson	Smith, Md.	Williams
	New	Smith, Mich.	

Mr. McNARY. I desire to announce the absence of my colleague [Mr. CHAMBERLAIN] on account of illness. I will let this announcement stand for the day.